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Council Proceedings

Official Report

Bengal Legislative Council

Thirtieth Session, 1928

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Lt.-Col. the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., of Dhanbari, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Sir PROVASH CHUNDER MITTER, KT., C.I.E., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

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1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

MINISTER.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur, in charge of the following portfolios:—

1. Education (excluding European Education).
2. Agriculture and Industries.
3. Registration.
4. Local Self-Government.
5. Public Works.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Khan Bahadur Maulvi EMADUDDIN AHMED, B.L.

Panel of Chairmen for the Thirtieth Session.

1. Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh.
2. Dr. Sir DEVA PROSAD SARBADHIKARI, Kt., C.I.E., C.B.E.
3. Mr. G. MORGAN, C.I.E.
4. Mr. M. ASHRAF ALI KHAN CHAUDHURI.

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Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Abbott, Mr. E. G. (Indian Jute Mills Association).
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh. (Dacca University.)
Afzal, Maulvi Syed Mahamud. [Bakarganj West (Muhammadan).]
Ahamad, Mauvi Asimuddin. [Tippera South (Muhammadan).]
Ahamad, Maulvi Kasiruddin. [Rangpur West (Muhammadan).]
*Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Atiqullah, Mr. Syed Muhammad. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L.* [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Promotha Nath [Midnapore South (Non-Muhammadan).]
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Basu, Babu Sasi Sekhar. [24-Parganas Rural South (Non-Muhammadan).]
Basu, Mr. P. C. [Burdwan South (Non-Muhammadan).]
Basu, Mr. Sarat C. [Burdwan North (Non-Muhammadan).]
Biswas, Babu Surendra Nath. [Faridpur South (Non-Muhammadan).]
Blair, Mr. J. R. (Nominated official.)
Bose, Babu Bejoy Krishna. [Calcutta South (Non-Muhammadan).]
Bose, Mr. S. C. (Calcutta University.)
Bose, Mr. Subhas Chandra. [Calcutta North (Non-Muhammadan).]

C

Cassells, Mr. A. (Nominated Official.)
Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Chakravarti, Mr. Byomkes. (Bengal National Chamber of Commer
Chakraburtty, Babu Jatindra Nath. [Rangpur East (Non-Muham dan).]
Chatterjee, Srijut Bijay Kumar. [Bankura West (Non-Muham dan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. (Nomine Non-official.)
Chaudhuri, Maulvi Nurul Huq. [Noakhali East (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (N Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Kl Bahadur, C.I.E., of Dhanbari. (Member, Executive Council.)
Choudhury, Maulvi Gholam Mawla. [Faridpur South (Muhe madan).]
Choudhury, Maulvi Khorshed Alam. [Bakarganj North (Muham dan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Coppinger, Lt.-Col. W. V., D.S.O., M.D., F.R.C.S.I. (Dub.), I.M (Nominated Official.)

D

Das Gupta, Dr. J. M. [Calcutta Central (Non-Muhammadan).]
Dash, Mr. A. J. (Nominated Official.)
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Datta, Babu Amulya Chandra. [Hooghly Municipal (Non-Muham dan).]
Dowding Mr. T. W. (Indian Mining Association.)
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Babu Saral Kumar. [Bakarganj North (Non-Muhammadan).]

E

Eddis, Mr. A. McD. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur K. G. M. [Tippera North (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]
Fyfe, Mr. J. H. (Bengal Chamber of Commerce.)

G

Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghose, Babu Amarendra Nath. [Mymensingh West (Non-Muhammadan).]
Ghose, Mr. M. C. (Nominated Official.)
Ghosh Maulik, Mr. Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Ghuznavi, Alhadj Sir Abdelkerim, KT. [Mymensingh South-West (Muhammadan).]
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Gofran, Maulvi Abdul. [Noakhali West (Muhammadan).]
Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. Jogesh Chandra. [Dacca City (Non-Muhammadan).]
Gupta, Rai Bahadur Mahendra Nath. (Expert, Nominated.)

H

Habibulla, Nawab Khwaja. [Dacca City (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Himatsingka, Babu Prabhu Doyal. [Calcutta West (Non-Muhammadan).]
Hopkyns, Mr. W. S., C.I.E., O.B.E. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur. (Minister.) [Malda *cum* Jalpaiguri (Muhammadan).]
Husain, Maulvi Latafat. (Nominated Non-official.)
Husain, Khan Bahadur Maulvi Syed Maqbul. [Chittagong North (Muhammadan).]
Huq, Khan Bahadur Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Dacca East Rural (Muhammadan).]

I

Ismail, Khan Bahadur Maulvi Muhammad. (Mymensingh Central (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]
Jenkins, Dr. W. A. (Expert, Nominated.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan.)]
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan Chaudhuri, Mr. M. Ashraf Ali. [Rajshahi North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur North (Muhammadan).]
Khan, Mr. Razaur Rahman. [Dacca East Rural (Muhammadan).]

L

Lala, Babu Saroda Kripa. (Chittagong Landholders.)
Luke, Mr. N. R. (Indian Jute Mills Association).

M

Macartney, Mr. J. G. [Dacca and Chittagong (European).]
Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Babu Mahendra Nath. [Midnapore South-East (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
Martin, Mr. O. S. (Bengal Chamber of Commerce.)
Mazumdar, Rai Bahadur Jadunath, C.I.E. [Jessore North (Non-Muhammadan).]
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, the Hon'ble Sir Provash Chunder, Kt., C.I.E. (Member, Executive Council.)
Moitra, Srijut Jogendra Nath. [Bogra *cum* Pabna (Non-Muhammadan).]
Morgan, Mr. G., C.I.E. (Bengal Chamber of Commerce.)
Mukerjea, Srijut Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)
Mumin, Khan Bahadur Muhammad Abdul. (Nominated Official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Mr. Khwaja, C.I.E. [Bakarganj South (Muhammadan).]
Nelson, Mr. W. H. (Nominated Official.)

P

Pal Choudhuri, Mr. Ranjit. [Nadia (Non-Muhammadan).]
Parrott, Mr. Percy. (Bengal Chamber of Commerce.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Prentice, the Hon'ble Mr. W. D. R., C.I.E. (Member, Executive Council.)

R

Rahim, Sir Abd-ur, K.C.S.I. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Maulvi Shamsur. [Khulna (Muhammadan).]
Rahman, Mr. A. F. (Nominated Non-official.)
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Syed Abdur. [Jessore North (Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur West (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Maharaja Jogindra Nath, of Nator. (Rajshahi Landholders.)
Ray, Srijut Radha Gobinda. [Bankura East (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Reid, Mr. R. N. (Nominated Official.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. (Nominated Non-official.)
Roy, Mr. D. N., Bar.-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Sachse, Mr. F. A. (Nominated Official.)
Sanyal, Babu Sachindra Narayan. [Rajshahi (Non-Muhammadan).]

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* President of the Bengal Legislative Council.

Sarbadhikari, Dr. Sir Deva Prosad, KT., C.I.E., C.B.E. (Nominated Non-official.)

Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]

Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)

Sattar, Khan Sahib Abdus. [Chittagong South (Muhammadan).]

Sattar, Mr. Abdool Razak Hajee Abdool. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Sen, Mr. Satish Chandra. (Bengal National Chamber of Commerce.)

Sen, Srijut Nagendra Nath. [Khulna (Non-Muhammadan).]

Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]

Shah, Mr. Gholam Hossain. [24-Parganas Municipal (Muhammadan).]

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)

Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]

Stapleton, Mr. H. E. (Nominated Official.)

Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thomas, Mr. H. W. (Calcutta Trades Association.)

Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

W

Wordsworth, Mr. W. C. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirtieth Session:)

VOLUME XXX—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 31st July, 1928, at 2-50 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, Minister, and 116 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

MR. J. R. BLAIR.

Khan Bahadur MUHAMMAD ABDUL MUMIN.

Rai MAHENDRA NATH GUPTA Bahadur.

Panel of Chairmen.

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Maharaja SHASHI KANTA ACHARJYA CHAUDHURI of Muktagacha, Mymensingh.

(2) Dr. Sir DEVA PROSAD SARBADHIKARI, KT., C.I.E., C.B.E.

(3) Mr. G. MORGAN, C.I.E.

(4) Mr. M. ASHRAF ALI KHAN CHAUDHURI.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir, it is not yet 3 p.m., are these proceedings, e.g., taking of oaths, appointing a panel of Chairmen, etc., in order, in taking place before 3 p.m.?

Mr. PRESIDENT: If I remember aright, a circular was issued to the members to the effect that the meeting would take place at 2-50 and not at 3 p.m.

Mr. SUBHAS CHANDRA BOSE: The notice in question simply says "to request your attendance at the Council Chamber in the Town Hall at 2-50 p.m." It does not say the meeting will commence before 3 p.m.

Rai HARENDRANATH CHAUDHURI: And the notice has the words: "request your attendance, etc. ....." "attendance at the Council Chamber" does not mean that the meeting will begin before 3 p.m.

Mr. PRESIDENT: That is implied. You cannot expect the President to occupy the Chair and sit idle.

At this stage the Registrar to the Council announced to the Hon'ble President that His Excellency the Governor was without.

The Hon'ble the President then left his seat on the dais and met His Excellency at the head of the staircase. His Excellency then entered the Council Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.

His Excellency the Governor's Address.

HIS EXCELLENCY the GOVERNOR of BENGAL (Sir Francis Stanley Jackson): GENTLEMEN—

In view of the important nature of the subjects with which the Council will be asked to deal during this session, I have thought it advisable to take advantage of my privilege of addressing the members to-day.

The list of business before the Council is a formidable one. There are six non-official Bills, six Government Bills and three Supplementary Demands, and I should like to refer briefly to some of the more important subjects in the list.

The Council will be asked to consider the Bengal Tenancy (Amendment) Bill of 1928. I do not know if I can refer to this Bill as an old friend, but in view of it having been before the Council in one

form or another since 1926, I gather that most of you have at least a nodding acquaintance with it. Some anxiety was shown by members during the last session as regards the delay in proceeding with this Bill.

The Select Committee appointed by the last Council submitted their report as far back as July 1926, but I understand that when the Bill emerged from the Select Committee, it was so amended as to make it almost unrecognizable as the original Bill, and important general principles were seriously affected. Under these circumstances, Government thought it necessary to refer the report of the Committee to a Special Committee to be examined in detail. This Committee included an eminent Judge of the High Court who has lately been officiating as a Member of the Executive Council.

The main provisions of the Bill which aim at granting substantial rights to under-raiyats, and the recognition of the transferability of the holdings of occupancy tenants, are bound to be of far-reaching consequence. All agricultural interests must be affected by them and specially the vast agricultural population of the province, the bulk of whom are unfortunately still illiterate and unable to voice their own needs. Government cannot, therefore, be blamed for proceeding with special caution. The trend of legal decisions have convinced Government in their conclusion that the necessity for such a measure becomes more apparent every year. Government have now decided to ask the Council to take the Bill into consideration forthwith, though, I believe, there are some who consider that there is still work for a Select Committee to-day—that is for the House to decide. I hope the result of your deliberations will be to place upon the Statute Book a measure which will equitably meet all interests and prove of lasting benefit upon all those dependent upon agriculture in this Presidency.

Another Bill which will be before the Council is the Bengal (Rural) Primary Education Bill. There must be general agreement as to the urgent need in rural Bengal for a sound and practical system of primary education. I fear it has to be admitted that, as far as primary education is concerned, progress in this Presidency does not compare favourably with other provinces in India, though one recognizes that we have been faced with exceptional difficulties. I find that the percentage of expenditure by some Governments to the total provincial revenues upon primary education is—

	Per cent.
Bombay	6
Bihar and Orissa	5·1
Punjab	3·6
Bengal	1·6

The present system of primary education, though made the most of, is inadequate: the teaching is inefficient and the distribution of schools unsystematic: teachers are under-paid and large numbers of the pupils, who attend primary schools, leave the schools before having received even the most elementary instruction, and consequently lapse into illiteracy.

In any country primary education should be regarded as the foundation of national life and progress. It ought to be the primary consideration. The efficiency of secondary and University education must to a very large extent be affected by the conditions of primary education. The introduction of a system of universal primary education in Bengal is anxiously and earnestly demanded by those communities who suffer from comparative backwardness in education.

The Bill before the Council has been carefully drawn with special regard to the conditions existent to-day throughout the Presidency. Some of the provisions of the Bill may not meet with general approval, but I hope that the Council will accept this Bill as a foundation upon which a larger and fuller system can be gradually built. By so doing you can hold out a reasonable hope to the children of Bengal of an opportunity of education without which their future prospects in life must indeed be dark and hopeless.

You will be asked to vote demands for increase of pay of jail warders amounting to Rs. 38,592. This is in accordance with the recommendation of the Indian Jails Committee, 1919-20, and the Bengal Jails Enquiry Committee of 1927.

I can say from experience of my visits to jails throughout the Presidency that the grant is very urgently necessary in the interest of efficiency and to meet the reasonable expectation of the men placed in such a position.

You will also be asked to sanction a grant of Rs. 5,37,000 to meet the cost of the proposals which have been submitted to Government for an increase in the scales of pay of some of the lower ranks of the Bengal and the Calcutta Police, in order to maintain these ranks at full strength and efficiency. These proposals have been conceived in the best interests of all classes of the community, and have received the approval of Government as a whole after most careful consideration, and I trust that the demand for the money required to meet the expenditure thereon during the last four months of the current financial year will be acceded to by the Council.

The other supplementary demands come under the head of "Famine Relief and Insurance." I followed with care the debate which took place in the Council at the beginning of this month. We are all aware, especially those who have been in areas affected, of the unfortunate distress which has arisen in certain areas in this Presidency through scarcity, owing to failure of last year's monsoons. The

Government have made every endeavour to meet the requirements reported by their officers in the various districts affected. The charge which falls upon those whose responsibility it is to investigate, report and make demands upon Government, is not an enviable one and it would certainly be unfair to suggest that their natural sympathy and judgment in cases of distress, are any less than those of others who are not officially responsible. From all accounts which can be relied upon, Government are satisfied that the officers in the districts have carried out their difficult duties well and have supplied a correct appreciation of the situation of each district. Government have complied with all the demands made by the local officers.

The policy of Government has been and is, that in cases of serious distress caused by scarcity the full demand of the officers on the spot must be met regardless of other requirements, however urgent they may be. A sum of six lakhs and-a-half only was originally provided in the Budget for agricultural loans and the Hon'ble Finance Member has provided a further sum of Rs. 8,25,000 by reappropriation. Government will continue to watch the situation with the utmost vigilance and sympathy.

There is one more subject to which I must refer. A year ago I made a statement with reference to the détenus under restraint under the Bengal Criminal Law Amendment Act and Regulation III. I was then able to announce considerable progress in the number of men released during the first eight months of last year and I expressed a hope that the rate of gradual release then operating would continue. This gradual release has continued and is continuing to-day. The figures are—

In jail	Nil.
In village domicile	8
In home domicile	4
Externed from certain areas	2
Externed from Bengal	2
Making a total of ...	16

Provided nothing unforseen occurs at the present rate of release now operating, this number of 16 should be gradually reduced, if not completely wiped out, in the course of a few weeks.

It has been my good fortune to see nothing but reduction in the numbers of persons detained under the special Act which the Government were reluctantly forced to introduce to meet exceptional conditions. No one will be more pleased than I when the record shows that there is not one man under restraint under the operation of this Act and what

applies to me in this respect equally applies to all those who have been responsible for the working of this Act. I sincerely trust that a movement which was met, and in similar circumstances would always have to be met, by exceptional measures, however repugnant it might be to Government to use them, will not again develop to the infinite harm of the province.

Gentlemen, if I were asked what I consider, after 16 months' experience and observation in the province, the most pressing and urgent needs of Bengal and what reforms might be calculated to bring the greatest good to the greatest number of its inhabitants, I should be inclined to express the view—

(1) a full and efficient system of primary education;

(2) encouragement to the cultivators of the soil and the amelioration of their conditions; and

(3) irrigation.

It appears to me that opportunity of making a start upon two of these problems is now before the Council. Serious consideration of the third subject, in my judgment, cannot be long delayed. The control of the great waterways, unsurpassed in magnitude in the world, in places where for six months in the year there is too much water and six months much too little, is a task which would tax the ingenuity of man to the utmost, but I do believe there are great possibilities from a determined effort in connection with minor schemes.

The two Bills which are before you and to which I have referred supply a foundation upon which schemes for the future can be fashioned, which should help to bring some prosperity and contentment to the teeming millions throughout Bengal.

I thank you for the attention with which you have listened to me and I trust that the result of your deliberations will prove to the general welfare of the province and its people.

His Excellency the Governor then left the Council, preceded by the Hon'ble the President.

The Hon'ble the President then returned to the Chamber and took the Chair.

Starred Questions

(to which oral answers were given).

Proposed Faridpur-Barisal Railway.

*1. **Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the answer given to starred question No. 47 asked by me on the 14th

December, 1927, will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether the examination of the scheme for a narrow-gauge railway line from Faridpur to Barisal *via* Char Maguria has been finished?

(*b*) If, so, what is the result of such examination?

(*c*) Is it in the contemplation of Government to give effect to the proposal for shifting the Faridpur Railway Station to a site more convenient to the public in the near future? If so, when?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (RAILWAYS) (the Hon'ble Mr. A. Marr): (*a*) The field-work has been completed and a revised estimate is under preparation.

(*b*) and (*c*) This cannot be stated until the whole scheme has been considered by the Agent, Eastern Bengal Railway, the Railway Board, and the Standing Advisory Council of the Legislative Assembly.

(*d*) The question does not arise.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state if the opening of the new line from Kalukhali to Bhatiapara has anything to do with this project? Will that line be extended to Gopalganj and then to Barisal?

The Hon'ble Mr. A. MARR: So far as I know, the Railway Board have not yet decided about the extension of this line.

Sadar Local Board, Bankura, constitution of.

***2. Mr. SYED MD. ATIQULLAH:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing the names of the elected and appointed members of the present Sadar Local Board, Bankura?

(*b*) Will the Hon'ble Minister be pleased to state why no Muhammadan was appointed according to Circular No. 2T.—M. of 2nd August, 1912, as referred to the reply to starred question No. 43 of the 10th February, 1928?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): (*a*) A statement is laid on the table.

(*b*) Only 2·4 per cent. of the population of the Sadar subdivision of Bankura district are Muhammadans. In making the appointments to the Local Board, it was not considered necessary to give representation to so small a minority.

Statement referred to in reply to clause (a) of starred question No. 2, showing the names of the elected and appointed members of the Sadar Local Board, Bankura.

1. Babu Manindra Bhusan Sinha.
2. Babu Nagendra Nath Ghosh.
3. Babu Hari Sadhan Datta.
4. Babu Kali Krishna Mitra.
5. Babu Atul Chandra Chatterji.
6. Babu Satish Chandra Sen.
7. Babu Probodh Chandra Roy.
8. Babu Madan Mohan Singha Chaudhury.
9. Babu Probodh Chandra Bose.
10. Babu Devendra Nath Goswami.
11. Babu Rambishnu Sannigrihi.
12. Babu Debadideb Sarkar.
13. The District Inspector of Schools, *ex-officio*.
14. Babu Shyamapada Bhattacharji, Circle Officer, Simlapal.
15. Babu Kali Pada Sen Gupta.
16. Babu Jatindra Nath Ray.
17. Babu Bhola Nath Mitra.
18. Babu Bharat Chandra Hansda.

Mr. SYED MD. ATIQULLAH: Will the Hon'ble Minister be pleased to state whether it is the considered opinion of Government that not a single Muhammadan was necessary in a Board of 18?

Mr. J. C. DRUMMOND: That is a matter of opinion, I think.

Mr. SYED MD. ATIQULLAH: Will the Hon'ble Minister be pleased to state why the circular referred to in this question has not been applied to this particular district?

Mr. J. C. DRUMMOND: It has been applied.

Mr. SYED MD. ATIQULLAH: If this particular circular does apply, why has it not been applied to the district of Bankura?

Mr. J. C. DRUMMOND: It does apply.

Mr. JOGESH CHANDRA GUPTA: If there is no Minister in charge of these subjects, are we entitled to ask any questions and address the questions to an Hon'ble Minister who is not present?

Mr. PRESIDENT: I understand that under section 1 (definition of Member) of the Council Rules the Secretaries have been empowered by the Minister to answer questions.

Mr. SYED MD. ATIQULLAH: Will the Hon'ble Minister be pleased to state if the particular circular applies to the Bankura district?

Mr. J. C. DRUMMOND: Yes.

Babu NALINIRANJAN SARKER: Who is the Minister who authorised the Secretary to answer these questions?

Mr. PRESIDENT: I understand that this portfolio has been taken over by the Hon'ble Nawab Musharruf Hosain from Sir P. C. Mitter, and the Nawab Sahib has authorised the Secretary to reply.

Babu NALINIRANJAN SARKER: May we not expect a reply from the Hon'ble Minister?

Mr. PRESIDENT: He has delegated his power to the Secretary.

Mr. SYED MD. ATIQULLAH: Has there ever been any precedent like this, whether in a District Board not a single Hindu member has been nominated by Government?

Mr. J. C. DRUMMOND: I cannot say offhand.

Maulvi ABUL KASEM: Is it not the intention of this circular that where there is no representation through election, that representation should be made according to that circular?

Mr. J. C. DRUMMOND: I think the circular speaks for itself.

Mr. SYED MD. ATIQULLAH: Will the Secretary be pleased to state what is the policy of the present Minister who is in charge of the department temporarily?

Mr. J. C. DRUMMOND: I cannot say what the policy of the present Minister is.

Mr. SYED MD. ATIQULLAH: Are we not entitled to know what the reply of the Minister is?

Mr. PRESIDENT: The question has been answered. The Secretary in this case is not aware of the policy of the present Minister.

Mr. SYED MD. ATIQULLAH: May I ask the Hon'ble Minister to reply?

Mr. PRESIDENT: No.

Khan Bahadur Maulvi AZIZUL HAQUE: Are we to understand that the policy of Government changes with the change of Ministers?

Maulvi ABUL KASEM: Does the last census report state that 2·4 per cent. of the population of the Sadar subdivision of the Bankura district are Muhammadans?

Mr. J. C. DRUMMOND: I cannot say offhand.

Maulvi NURUL HUQ CHAUDHURI: I submit that you have given the figure as 2·4. I want to know where that figure was got from?

Mr. J. C. DRUMMOND: I must have notice of this.

Bengal Government Press, memorial of certain discharged employees of the.

*3. **Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that on February 29th and April 18th, 1928, one machine-man, eight inkmen and seven distributors of the Bengal Government Press sent a memorial to the Hon'ble Member in charge of the Finance Department through Mr. A. J. Norton, Superintendent of the said Press, appealing against the order of the Superintendent dispensing with their services without sufficient and reasonable grounds?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government have taken or propose to take in the matter?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) Government have seen memorials on this subject from some of the staff.

(*b*) These employees were discharged as there was no work for them, and no action on the part of Government is called for.

Mr. K. C. RAY CHAUDHURI: Is it a fact that some new hands have been lately recruited; if so, how many, and for which departments?

The Hon'ble Mr. A. MARR: I must ask for notice of this.

Bengal Government Press, petition of distributors of.

*4. **Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that all the distributors of the Bengal Government Press sent a petition to the Government through Mr. A. J. Norton, Superintendent of the said Press, in April last, making therein serious allegations against some of the supervising staff of the said Press?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action the Government have taken or propose to take in the matter?

The Hon'ble Mr. A. MARR: (*a*) Government have seen the petition in which complaint was made that certain men were discharged on inadequate grounds.

(*b*) Government are satisfied that the reduction of staff was justified, and no action is called for.

Bengal Government Press, allegations against Mr. Davis, Deputy Superintendent of.

*5. **Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that in December, 1927, all machine-men, inkmen and pressmen submitted a petition to the Government through Mr. A. J. Norton, Superintendent, Bengal Government Press, alleging that Mr. Davis, Deputy Superintendent of the Bengal Government Press, treats them with such epithets as "son of a pig" (*sooar-ka-batcha*), etc., and praying for a redress?

(*b*) Is it a fact that the men of the Jail and Forms Press submitted a memorial to the Jail Department making similar allegations against Mr. Davis when he was an acting Manager there?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state what action the Government have taken or propose to take in the matter?

The Hon'ble Mr. A. MARR: (*a*), (*b*) and (*c*) Reference is invited to the answer given to starred question No. 9 at the meeting of Council on 7th February last.

Mr. K. C. RAY CHAUDHURI: On the petition of these men who were abused, referred to in question 5, was any inquiry held into the allegations made? These men were called certain names, and they submitted a petition to the Finance Member.

The Hon'ble Mr. A. MARR: They made no petition to me.

Détenu Surya Kumar Sen.

*6. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the place of detention of Srijut Surya Kumar Sen;

(*ii*) the present state of his health;

(*iii*) the diseases he is suffering from;

(*iv*) whether Government intend to bring him back to Bengal; and

(*v*) whether Government propose to release him?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) Government are not prepared to publish this information.

(*ii*) Good.

(*iii*) None, so far as is known.

(*iv*) He has been brought back.

(*v*) Government are not prepared to state their intentions.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether the place of detention is known to the détenu?

The Hon'ble Mr. W. D. R. PRENTICE: The notice must have been served upon him.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether the détenu is at liberty to communicate to his friends and relatives about the place of his detention?

The Hon'ble Mr. W. D. R. PRENTICE: There is nothing in the order prohibiting him.

Mr. KIRAN SANKAR ROY: What is the object of withholding this information?

Mr. PRESIDENT: I don't allow that question.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if the information is based on a medical report?

The Hon'ble Mr. W. D. R. PRENTICE: On a report, dated 24th July.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if any complaint has been received from the détenu?

The Hon'ble Mr. W. O. R. PRENTICE: Not so far as I know.

Mr. KIRAN SANKAR ROY: In view of the speech of His Excellency just now, will the Hon'ble Member be pleased to amend his answer in reply to question 6(r)?

The Hon'ble Mr. W. D. R. PRENTICE: I do not quite understand. Question (r) asks whether Government propose to release the détenu; I am not aware that His Excellency stated that he proposed to release everybody.

Mr. JOGESH CHANDRA GUPTA: Has any inquiry been made about the present health of the détenu after this question was received by the Government?

The Hon'ble Mr. W. D. R. PRENTICE: A reference was made by telegram to the place where he then was, and we got a reply on the 24th of July.

Mr. SUBHAS CHANDRA BOSE: (Inaudible.)

The Hon'ble Mr. W. D. R. PRENTICE: I do not think he is in either.

Mr. SUBHAS CHANDRA BOSE: Has he been externed from Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: I do not think he is.

Mr. SUBHAS CHANDRA BOSE: (Inaudible.)

The Hon'ble Mr. W. D. R. PRENTICE: No.

Détenu Ashutosh Bhattacharji.

*7 **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) the place of detention of Srijut Ashutosh Bhattacharji;

(ii) the present state of his health; and

(iii) the diseases he is suffering from?

The Hon'ble Mr. W. D. R. PRENTICE: (i) Government are not prepared to publish this information.

(ii) Good.

(iii) He is not suffering from any disease.

Mr. KIRAN SANKAR ROY: Does the Hon'ble Member think that the Bengal Government will suffer if this information is supplied?

Mr. PRESIDENT: I do not allow that question.

Mr. SUBHAS CHANDRA BOSE: In answer to question (*ii*), will the Hon'ble Member be pleased to state whether this information is based on a medical report?

The Hon'ble Mr. W. D. R. PRENTICE: A report was received on the 24th of July.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether any complaint has been received during the last month?

The Hon'ble Mr. W. D. R. PRENTICE: None as far as I know.

Mr. JOGESH CHANDRA GUPTA: Did the Hon'ble Member make any inquiry to amplify his knowledge in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: The report was received on the 24th July in answer to an enquiry sent by Government.

Unstarred Questions

(answers to which were laid on the table).

Anti-epidemic measures.

1. **Maulvi KASIRUDDIN AHAMAD:** Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the number of new dispensaries started or proposed to be started by each of the District Boards within the Presidency from 1926 till May, 1928?

(*ii*) the number of deaths in each district from (*a*) kala-azar, (*b*) small-pox, (*c*) cholera, and (*d*) plague from 1927 to May, 1928?

(*iii*) the steps Government has adopted or intend to adopt to combat these fell diseases?

Mr. J. C. DRUMMOND: (*i*) A statement is laid on the table showing the number of new dispensaries opened by District Boards in 1926 and 1927. Information for 1928 is not available yet, nor are Government aware what proposals District Boards have before them for opening new dispensaries.

(*ii*) A statement is laid on the table giving the required information so far as it is available.

(*iii*) Government are paying the cost of the rural public health organisation under which there will ultimately be a sanitary officer with the necessary subordinate staff employed on anti-epidemic work in every rural thana at a total cost of about Rs. 11 lakhs. In addition Government have been deputing medical men and sanitary inspectors for preventive work in affected areas paying their salaries from provincial revenues, while the anti-kala-azar work carried on by local authorities is being subsidised to the extent of Rs. 1½ lakhs.

Statement referred to in the reply to clause (i) of unstarred question No. 1 showing the number of dispensaries started by each of the District Boards during 1926 and 1927. The number includes also Union Board dispensaries.

Name of district board.		Number of dispensaries opened during—	
		1926.	1927.
Burdwan	...	4	1
Birbhum	...	3	1
Midnapore	...	2	2
Bankura	...	1	...
Hooghly	...	1	3
Serampore	...	1	...
Howrah	...	...	1
24-Parganas	...	3	2
Nadia	...	1	...
Jessore	...	1	...
Dacca	...	1	3
Mymensingh	...	3	3
Faridpur	...	3	3
Bakarganj	...	1	2
Chittagong	...	...	1
Tippera	...	1	...
Noakhali	...	1	...
Bogra	...	1	2
Pabna	...	...	1
Malda	...	1	1
	Total ...	29	26

Statement referred to in the reply to clause (ii) of unstarred question No. 7 showing the number of deaths from kala-azar, small-pox, cholera and plague in each district of the Bengal Presidency from 1927 to May, 1928.

Districts.	Kala-azar.		Small-pox.		Cholera.		Plague.		Remarks.
	1927.	1928 up to May.	1927.	1928 up to May.	1927.	1928 up to May.	1927.	1928 up to May.	
Burdwan ..	223	*	1,213	*	1,537	*	..	*	
Birbhum ..	..	3	1,476	115	676	1,037	..	..	Figures for 1928 up to April.
Bankura ..	34	*	282	*	437	*	..	*	Up to October, 1927.
Midnapore ..	99	*	4,074	*	3,385	*	..	*	
Hooghly ..	185	61	1,022	140	1,329	808	..	..	Figures for 1928 up to March.
Howrah ..	344	77	2,146	100	3,688	871	..	..	Figures for 1928 up to February.
24-Parganas ..	2,079	447	3,044	386	9,995	7,029	..	..	Figures for 1928 up to March.
Calcutta ..	582	175	2,860	295	2,171	1,173	1	3	Figures for 1928 up to April
Nadia ..	322	75	419	560	3,376	3,342	..	..	Figures for 1928 up to April.
Murshidabad ..	47	34	3,442	1,729	3,844	3,136	..	..	
Jessore ..	180	45	414	70	5,208	1,732	..	..	Figures for 1928 up to March
Khulna ..	272	*	160	*	1,563	*	..	*	Up to July, 1927.
Rajshahi ..	160	20	296	74	4,180	2,515	..	..	Figures for 1928 up to March.
Dinajpur ..	115	46	1,328	1,152	1,972	566	..	..	
Jalpaiguri ..	15	12	46	43	124	231	..	..	
Darjeeling ..	77	22	21	7	3	3	..	..	
Rangpur ..	265	22	2,644	411	2,824	626	..	1	Figures for 1928 are up to March.
Bogra ..	471	209	2,624	1,281	1,378	359	..	..	
Pabna ..	28	10	4,796	548	3,577	1,154	..	..	
Malda ..	9	2	651	1,820	5,166	445	..	..	Figures for 1928 are up to April.
Dacca ..	896	294	2,096	1,910	8,077	7,306	..	..	Figures for 1928 are up to April.
Mymensingh ..	682	219	2,840	1,953	16,558	6,195	..	..	
Faridpur ..	662	*	818	*	8,717	*	..	*	
Bakarganj ..	419	*	254	*	7,807	*	..	*	
Chittagong ..	545	160	587	2,417	2,657	1,949	..	..	
Noakhali ..	341	*	918	*	6,142	*	..	*	
Tippera ..	2,333	*	1,230	*	6,530	*	..	*	

*This mark indicates that the returns have not been received.

Higher posts in the Civil Veterinary Department.

2. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing the duties of—

(*i*) the Veterinary Adviser to the Government of Bengal;

(*ii*) the Director, Civil Veterinary Department, Bengal;

(*iii*) the Assistant Directors, Civil Veterinary Department, Bengal; and

(*iv*) the Vice-Principal, Bengal Veterinary College?

(*b*) Will the Hon'ble Minister be pleased to state whether the posts of Director, Civil Veterinary Department, Bengal, and the Veterinary Adviser to the Government of Bengal are held by one and the same person?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what are the reasons for making such distinctions in the designations?

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. R. N. Reid): (*a*) (*i*) The duties of the Veterinary Adviser are, as the name implies, to advise Government on professional and technical matters in that department.

(*ii*) The duties of the Director, Civil Veterinary Department, are those of direction and control as the administrative head of the department.

(*iii*) Assistant Directors, Civil Veterinary Department, are also in administrative control of their respective areas subordinate to the Director.

(*iv*) The duties of the Vice-Principal, Bengal Veterinary College, consist of teaching work and he also assists the Principal in the administrative work of the College.

(*b*) Yes.

(*c*) The answer to this is to be found under (*a*) (*i*) and (*ii*) above.

Director and Assistant Directors of the Civil Veterinary Department.

3. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state how many days the Director and the two Assistant Directors of the Civil Veterinary Department were out on tour in the mufassal during the years 1926 and 1927?

(*b*) Will the Hon'ble Minister be pleased to state whether any tour was undertaken by any of the officers mentioned above for controlling the outbreaks of contagious diseases amongst animals in the mufassal during the period from 1922 to 1927? If so, where?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

Mr. R. N. REID: (*a*), (*b*) and (*c*) The member is referred to the Annual Reports of the Civil Veterinary Department for the years 1922-23 to 1926-27, copies of which are placed on the library table.

Post of the second Imperial Officer of the Bengal Veterinary College.

4. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the post of second Imperial Officer in the Bengal Veterinary College was sanctioned by the Government to give proper training in vaccine therapy and in the practice and theory of preventive inoculation and so to increase the efficiency of the teaching staff?

(*b*) Is it a fact that the college has been suffering by his transfer to the department?

(*c*) If so, why has he been placed in charge of the Civil Veterinary Department, Bengal?

Mr. R. N. REID: (*a*) Yes.

(*b*) The officer promoted from the Provincial Service to do his work in the college received his training at Muktesar, and it is not likely that the college will suffer by the transfer.

(*c*) The question does not arise.

Veterinary Assistant Surgeons.

5. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the Secretary of State for India held in 1907, that the subordinate staff (Veterinary Assistant Surgeons) would be paid time-scale of pay similar to that sanctioned in case of the medical assistants?

(*b*) Is it a fact that in 1906 the minimum pay of the Veterinary Assistant Surgeons was higher than that of the Sub-Assistant Surgeons, but now it is reversed?

(c) Is it a fact that the scale of pay of the Sub-Assistant Surgeons has been revised thrice since 1906?

(d) Is it a fact that the pay of the Veterinary Assistant Surgeons has been revised once only since that year?

(e) Is it a fact that the Veterinary Assistants have been memorialising the Government for the betterment of their pay, etc., since 1920?

(f) With reference to the reply to unstarred question No. 178 of the 31st August, 1921, will the Hon'ble Minister be pleased to state whether any consideration has been made or any conclusion has been arrived at by the Government during these 8 years?

(g) Is it a fact that the officers of all the departments, which are directly under the control of the Government, have received their increment except the Veterinary?

(h) Is it a fact that considerable discontent prevails among the subordinate staff of the Civil Veterinary Department owing to the delay on the part of the Government to consider their grievances and for differential treatment?

Mr. R. N. REID: (a) The Secretary of State sanctioned in 1907 a time-scale of pay for Veterinary Assistant Surgeons similar to that of Civil Hospital Assistants.

(b) Yes.

(c) Yes.

(d) The pay of Veterinary Assistants in Eastern Bengal has been revised once since 1906 and that of Veterinary Assistant Surgeons in Western Bengal twice.

(e) Yes.

(f) The matter has been under consideration but no final conclusion has been arrived at.

(g) The pay of officers of practically all departments has been revised. Veterinary officers cannot be said to be directly under Government in the full sense of the word in that local bodies meet two-thirds of their salaries.

(h) Government are aware that the subordinate staff of the Civil Veterinary Department are anxious to have their grievances atteuded to.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state how long the matter of the increase of pay to the Veterinary Assistant Surgeons has been under consideration, and when a conclusion is likely to be arrived at?

Mr. R. N. REID: I must ask notice of this.

Khan Bahadur Maulvi AZIZUL HAQUE: I give this as fresh notice of this question.

Mr. A. C. BANERJEE: Is it not the duty of Government to fix .....(inaudible).

Mr. PRESIDENT: Next question.

Rai Sahib Sarat Chandra Pal, Assistant Director, Civil Veterinary Department.

6. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state how long Rai Sahib Sarat Chandra Pal, the Assistant Director, Civil Veterinary Department, has been in charge of the Western Range, Calcutta?

(*b*) Was he ever in charge of the Eastern Range, Dacca? If not, why not?

(*c*) What is the general procedure adopted in other branches of the Government service regarding transfer?

(*d*) Had he ever been recommended by the head of the office for superannuation?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state why he has not yet been superannuated?

Mr. R. N. REID: (*a*) Since September, 1920.

(*b*) No, it was not necessary to do so in the interests of the public service.

(*c*) The general procedure in other branches of the Government service is to make transfers according to the needs of the public service.

(*d*) No.

(*e*) Does not arise.

Contagious diseases amongst animals.

7. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table for the years 1922 to 1927 a statement showing—

(*i*) how many outbreaks of contagious diseases amongst animals were attended to by the Inspectors, Staff and Reserve Veterinary Assistant Surgeons of the department; and

(*ii*) how many inoculations were performed by each of them?

(*b*) Is it a fact that many outbreaks of contagious diseases amongst animals could not be attended to in time of need in the districts owing to dearth of men?

Mr. R. N. REID: (*a*) (*i*) The member is referred to Table III in the Annual Reports of the Civil Veterinary Department for the years 1922-23 to 1926-27.

(*ii*) The figures are not immediately available, and their collection would involve an amount of time and labour which is not commensurate with the result to be obtained.

(*b*) Yes.

Distinguishing sign on motor-cars for hire.

8. Maharaj Kumar SRIS CHANDRA NANDY: Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government are considering the desirability of insisting on private cars plying for hire putting a distinguishing sign to indicate that they are not private cars?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): Government consider it desirable that all motor-cars plying for hire should be distinguished from other cars. In Calcutta no light car may ply for hire in any public place unless it is registered as a motor-cab. Such cabs can be easily distinguished. In the mufassal the carrying capacity of a motor-car for hire, as fixed by the District Magistrate, must be legibly indicated on the outside of the vehicle. This indication of carrying capacity serves to distinguish cars for hire from others.

The Chaprashi khal.

9. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether the Chaprashi khal flowing to the Bidyadhari river used to serve the purpose of drainage channel of a long area under the police-stations Rajarhat-Bishnupur and Bhangor till the Kristopur canal was excavated by the Public Works Department; and

(*ii*) whether the said Chaprashi khal has silted up and the drainage of the said area suffered in consequence?

3.

(*b*) Are the Government considering the desirability of inquiring—

(*i*) whether this obstructed drainage has led to the prevalence of malaria and insanitary conditions and the failure of crops in those parts; and

(*ii*) whether the drying up of the Chaprashi khal has helped the silting up of the Bidyadhari river?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) (*i*) The Chaprashi khal served to drain a portion of the area mentioned both before and after the Kristopur canal was made.

(*ii*) Yes.

(*b*) (*i*) Government have no information indicating an increase in malaria. Insanitary conditions have increased and the failure of crops is more frequent than it was.

(*ii*) Yes.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state what action Government proposes to take with regard to this proposal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: No action is in contemplation.

Magrahat channel, entry of saline water into fields by overflowing.

10. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that owing to the overflowing of waters in the Magrahat channel in the district of the 24-Parganas cultivation of the crops by the sides of the said channel suffers almost every year?

(*b*) Is it a fact that a representation to this effect was made to the Executive Engineer, Public Works Department, by the cultivators?

(*c*) If so, what action, if any, have the Government taken in the matter?

(*d*) Will the Hon'ble Member be pleased to state whether it has been ascertained whether the Diamond Harbour sluice alone is sufficient to clear out the waters of the Abads?

(*e*) If it has been found that the Diamond Harbour sluice is inadequate for the purpose, are the Government considering the desirability of putting another sluice on the channel at Hara-Hatuganj?

The Hon'ble Nawab Bahadur SAYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) A representation has been received by the Chief Engineer, Bengal.

(*b*) A representation for prevention of the entry of saline water during the summer season on the fields between Magrahat railway bridge and Nainan has been received from certain parties by the Executive Engineer, through Collector.

(*c*) Orders have been issued to the Subdivisional Officer, Magrahat, that "in the work of silt clearance of the Kaurapukur khal, when taken up, the silt excavated may be utilised in forming banks on both sides at low places, so that entry of saline water into the fields will be prevented. The villagers should be permitted to take up a little earth here and there for making additions if they like."

(*d*) Not yet ascertained.

(*e*) A separate project called Hara-Hatuganj Drainage Project to deal with the area outside the Magrahat basin has been got out and sent to the Collector, 24-Parganas, for taking action under Act VI of 1920. But it is understood from him that the District Board are not willing to take it up, and so enquiries are being made by the Civil Subdivisional Officer, Diamond Harbour, to ascertain local opinion.

Water-hyacinth problem.

11. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, the Government propose to take to deal with the water-hyacinth problem which is affecting the sanitary condition of the country by choking up the *bils* and canals?

(*b*) Will the Hon'ble Minister be pleased to state whether he proposes to meet the above problem by employing the researches of Dr. H. K. Sen by commercially producing by-products from water-hyacinth?

Mr. R. N. REID: (*a*) The question is still under consideration.

(*b*) Government are in touch with Dr. Sen and will be prepared to take up any proposals of his which are proved to be of practical value.

Bidyadhari river.

12. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state—

(*i*) the amount already spent by the Government in acquiring lands for spill operation with a view to improve the condition of the Bidyadhari river;

(*ii*) the nature of the improvement of the Bidyadhari river by this acquisition; and

(*iii*) whether before the acquisition took place the condition of the Bidyadhari river was better than at present?

(*b*) How are the dredgers purchased by Government for dredging up the Bidyadhari river being utilised now?

(*c*) What steps, if any, do the Government propose to take to improve the condition of the Bidyadhari river?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) (*i*) Rupees 5,89,355.

(*ii*) The river channel was improved by scour of the tides while the operations lasted.

(*iii*) Yes.

(*b*) No dredgers were purchased for the Bidyadhari dredging.

(*c*) There are no proposals before Government for the improvement of the river.

Point of order.

Mr. SUBHAS CHANDRA BOSE: May I inquire why supplementary questions of last session have not been answered in this session?

Mr. PRESIDENT: A member who asks a supplementary question of which notice is asked by the member, if he still desires a reply, must send to the Secretary a copy of such question. I think you have not availed yourself of that part of my ruling.

Rai HARENDRANATH CHAUDHURI: If a note be taken of any supplementary question, then the answer must follow without any fresh notice. That was your ruling, I think.

Mr. PRESIDENT: I will look into the question and let you know later.

Mr. SUBHAS CHANDRA BOSE: Last session I asked whether any note had been taken of my question, and your reply was that I would get a reply this session.

Mr. PRESIDENT: Note was certainly taken, but I shall have to see if you had actually fulfilled your part of the obligation.

Motion on constitutional reforms.

Sir ABD-UR-RAHIM: I may remind the Hon'ble Member that the motion before the House is in substance the same as the amendment to the Government resolution relating to the Simon Commission which I had put forward at the last session. I may also mention that I withdrew that amendment because I found that a large group in this House had decided to have nothing to do with the Simon Commission, and on the other hand, Government and its supporters were equally determined against any instruction being given as regards the general policy of this Council on constitutional matters to the Committee. I was, therefore, obliged to withdraw that motion, and to bring it forward again in its present form. I have asked for no recommendation to be made because of the difficulties I encountered at the last session, and I am anxious that every section of the House should partake in the debate and enable the Council to come to a conclusion on the important constitutional and political problems that are agitating the public mind. I may mention that the propositions that I have put forward are not intended to indicate what is called the ultimate goal of India. I have nothing to do with the ultimate political goal of India, and I say that it is not possible to define the ultimate goal of any country. My proposition embodies the immediate objective which the country has in view as regards its constitution. It is in connection with the inquiry that is now going on, and as a result of which I think Parliament will soon pass an Act laying down the form of Government which India is going to have. My intention is that the Council should express its opinion as regards the kind and form of Government which India should have, and Bengal should have. Sir, I consider that a very special responsibility rests on this Council to express itself clearly and fully at this juncture. Whatever may be said of other bodies and political organisations, whatever may have been said by the Secretary of State for India or anybody else, suggesting that they do not really represent the people, that cannot be said of this Council or of any other legislatures in this country. As we undoubtedly are authorised to represent the people, I submit to the House that any expression of opinion from us will be of the greatest value in finding out what India wants as regards the constitution of its government. I will now explain to you the general nature of the scheme which I am laying before the Council. I have conceived the scheme as a whole: I do not say that it, by any means, exhausts the necessary constitutional provisions: nobody could imagine that, but I do say that there are in it certain fundamental propositions the validity of which cannot be denied by anyone. As regards some of those propositions which contain the main issues before the country, viz., propositions (*a*), (*b*), (*c*), (*d*) and (*e*), I have received no notice of any amendment at all. As regards (*f*) and (*g*),

some amendments have been put in. That is, so far as the Council is concerned, there is no dispute as regards the question of responsible Government and dominion status, but with reference to the other propositions some members are anxious that the position should be more clearly defined and that certain particular measures should be adopted at once for carrying out the object in view. My intention is to lay down some general principles the soundness of which would not be denied, and under which it is possible to bring forward different measures to carry them out in the constitution. For instance, in clause (*f*) I say "appropriate provision should be made for the proper and adequate representation of important sections of the population in the various legislatures and other statutory self-governing public bodies." As to how such representation is to be secured there is possibility of considerable difference of opinion, and we know that as a matter of fact differences of opinion do exist. It is possible to put forward more than one scheme to satisfy the general proposition which I have put forward, and I say the same as regards the public services. I do not think there will be anybody who will seriously dispute either of the two propositions embodied in the motion. I have laid down that as regards the recruitment of the services, due regard has to be paid to the requisite qualifications of the candidates, and also to the need that there is that the selections should be so made as to avert a class or communal monopoly in order that the administration may command the widest possible confidence of the people. With reference to this, we have among other matters to consider, for instance, whether there should not be a Public Services Commission in each province to deal with these questions. Another question will at once arise. How much power in this connection should be left to the Ministers and to those who are in charge of the departments of Government.

Notices of some amendments have been given. I do not propose to discuss in detail whether the Services should be recruited in a particular way, or should not be recruited in another way. What I say is this, that at the present moment we are only concerned with certain general principles. If you accept the general principles as sound, then, when the proper time comes, we have to work out the necessary schemes which would be suitable and satisfactory. As the House knows, the Committee that is going to be appointed to assist the Simon Commission according to the wishes of this Council will make a report to the Council, and the House will be asked to consider that report. I submit that when that report comes up, the House will be in a better position to consider the measures which may be recommended by the report. It is not possible for any assembly, constituted as this is, to consider the details of any particular measures, unless they have been first considered and dealt with by a committee. It should also be possible in the meantime for a committee of the representatives

of the different parties to meet and think out suitable concrete proposals which should be put before the country. My anxiety for the present is that we should accept and endorse certain general principles which we regard to be sound and for the benefit of the country, leaving out all those important questions of detail which have to be considered at a later stage. Some of them are of a particularly difficult character; others may not be so. With reference to the constitution generally, many other important questions will arise e.g., the nature of the executive and the way in which it ought to be made responsible to the legislature or the people, the question of a second Chamber, extension of the franchise, enlargement of the legislature, and so on. Many questions like these will arise, and will have to be considered by a body of men who are familiar with different constitutions, and with constitutional law. In the meantime, all we can do is to define the objective—the political and constitutional objective of the country —in a way which has nothing vague or illusory about it. Take, for instance, the first proposition, i.e., dominion status. It has been said that this is the ultimate goal of India. But I say that such a status for the country is absolutely practicable at present and this is what we want now. I am putting forward no unreasonable or unjust demand, and there is nothing vague about it. I ask you to consider this carefully. There is absolutely nothing revolutionary about dominion status. What does it mean. Severance with England is not suggested; all the legitimate interests of the British would be absolutely safeguarded, for nobody can honestly say that there is the least danger to such interests if there be a change of constitution in that direction. What it does mean is that so far as the constitution of India is concerned, it shall be self-contained in its internal administration. What is our present position? The theory is that the British Parliament is responsible for every administrative act of India. That is a mere theory, an abstract theory. Look at the paraphernalia we have got here, the paraphernalia indeed of the Government of India and the Provincial Governments, the Viceroy, the Governors, the Legislative Assembly, the Legislative Councils, the Civil Services, the Army; you have got everything, a greater paraphernalia than of any other country. Does that count for nothing? Is it seriously suggested that the Secretary of State or the Under Secretary of State for India, however able they may be, can really run the country better than Governments in India? This is a mere theory, even if it is a theory founded on the law as it exists. But I do say, so far as internal administration is concerned, the government of this country must be self-contained. Is it contended that British interests are not safeguarded in the present self-governing dominions? It has been said that so long as India is not self-contained as regards its defence forces you cannot have dominion status. I say that this argument is based on ignorance of facts. What about the British

self-governing colonies? Is not every one of them dependent on England for its defence, dependent upon the British Navy for its defence? Look at Australia. South Africa, Canada and other places. Had not most of these colonies British garrisons paid by the British exchequer when self-government was granted to them? I will just read to you what Keith, the authority on responsible government in the dominions, says. He says: "The defence of the dominion from external attack has never yet been laid upon them by the Imperial Parliament." What about the military resources of India? Are they not far greater than of any of these colonies? The position of India is indeed far more favourable in that respect. You know, at least many members of this House know, that it has been felt for a long time by the Government of India and the Secretary of State that it is not possible to discharge properly the duties regarding the internal administration of the country from Whitehall.

4 p.m.

What is needed now is to define
there will be no difficulty as to dominion status being conceded at once. As regards the Government of India, the Government in this country has been evolving for a long time along the line of autonomous provinces, till we have reached the present stage. All that is needed now is this: there should be a devolution of all subjects which do not concern the whole of India but concern only the provinces. Some more subjects ought to be devolved entirely. There is nothing unreasonable about that. If you ask the members of the Government I believe they will all tell you that there is no difficulty about it. A complete devolution has become necessary. Take for instance "Education." I know we have an Hon'ble Member in the Government of India in charge of it. Does anyone know how he controls the education policy? The whole educational policy is in fact, controlled and directed and carried out by the Government of Bengal. I admit that when we insist on the Government of India being made independent of Parliament, in other words that the British Parliament should not be responsible for any act of internal administration, we recognise that India must be made responsible to some other authority. That is the principle you have got to recognise. You cannot leave the Government of India in the air, without its being responsible to anyone. It might be said that it would be a big step to make the Government of India entirely responsible to the legislature, but what I suggest is this: You can at least make the Government of India for more responsive to Indian public opinion and at least some of its departments may easily be made over to the representatives of the people. Does any Hon'ble Member of this House think for one moment that

there will be any danger to the efficiency of the administration if that is done?

It is not possible to discuss now the exact nature of the responsibility which can be introduced in the Government of India, but I may say it would not be desirable to introduce the present form of dyarchy. If we have regard to the subjects that will remain with the Government of India, the defence forces, foreign relations, relation with Native States, communications, inter-provincial relations, customs and some other subjects of that character, it is quite possible and practicable to avoid the difficulties of dyarchy as it has existed in the provinces.

We all know that the late Secretary of State for India Mr. Montague's idea was that the introduction of responsible governments in India must begin with the provinces. That was undoubtedly the right policy, and I am suggesting to this House that we should proceed along that line. The dual form of government admittedly has proved a failure in the provinces. So far as I can judge, even Government officials recognise that we must have a unitary form of government here and no longer a dual form of government. If we are going to have a unitary form of government, either you must grant full responsibility to the legislature or you go back to the system of bureaucracy. Transferring one or two or a few more subjects will not do. The Muddiman Committee had to consider all that, but it is recognised by all responsible politicians that we must proceed along the lines chalked out by the Government of India Act, 1919, and that there can be no going back. Does anyone in this House seriously think it possible, after all that has been happening not to-day, not yesterday, but ever since the Crown assumed government of this country, after the various proclamations, Acts of Parliament and speeches of Ministers of the Crown, foundation of Universities, establishment of local self-governing bodies, development of the Rule of Law through Courts, growth of the press and public opinion, formation of public organisations and in view of the world movements of the times, I put it to you is it at all a practical proposition for anyone to think that we can go back upon the principle of responsible self-government? I know it is loosely talked about that India has always been devoted to monarchy. Monarchy was the only recognised form of government when the British came. That was the state of things in all countries at that time, and not merely in India. This is what Lord Bryce, the greatest authority on the subject of Democracies, says: "In the middle ages monarchy was always the normal, natural and even divinely appointed form of government." In the British India monarchy has been put beyond all recall by the British themselves. I say that the only possible form of government now is full responsible

government. There is no half-way house. Anything short of responsible government will not be worth having, because nothing less will be accepted or will be workable or will tend to smooth the relations between India and England. What are the real requisites for a successful responsible government. The people should be accustomed to obey the law and to rely upon constitutional methods in order to improve their own condition. If that is so, I say, you would not find a people better answering these requirements than the people of India. It has been repeatedly urged "look at the mass of illiteracy here; look at the depressed classes in India." Because the literates form such a small fraction of the total population and because, as alleged, there is no demand from the masses for responsible government in India, it is argued that we cannot and should not have responsible government. I give my answer to that in the words again of Lord Bryce: "Throughout the long march from feudal monarchy to extreme democracy which occupied three centuries, the masses of the people, whether peasants in the country or artisans in the town, never—except in 1831 (meaning the French Revolution)—clamoured for political power. The ancient system was gradually broken down by the action of a part of the upper classes, aided by the bulk of the middle class." Is not that an historical fact? Even in the time of Gladstone.....

[Here the member reached his time-limit, but was granted another 5 minutes to finish his speech.]

Walter Bagehot, a contemporary of his, wrote, I believe, after the Reforms Bill was passed: "But we have whole classes unable to comprehend the idea of a constitution and unable to feel the least attachment to impersonal laws." He then rightly points out: "A deferential community, even though its lower classes are not intelligent, is far more suited to a Cabinet Government than any kind of democratic country, because it is more suited to political excellence. The highest classes can rule in it and the highest classes must as such have more political ability than the lower classes." These are all historical facts, and it is no good telling us stories.

One word more I have to say about the depressed classes. Much stress has been laid upon the social condition of these classes. Everyone of us deplores this condition, but I say at the same time that primitive tribes like them have been treated with much greater harshness and cruelty by other peoples claiming to be civilised. In any case, the depressed classes and the untouchables supply no argument against self-government. Similar primitive tribes have existed in South Africa, Australia, New Zealand and other countries and that has never stood in the way of self-government being granted to these places. Our capacity for self-government cannot be judged by the

numbers of these politically unconscious classes. In Australia responsible self-government was established by 1859, in Canada by 1839, in New Zealand in 1854, and in South Africa in 1872. Without intending to offend anyone, may I ask if any of these colonies had contributed anything of value to arts, philosophy and science compared to India's contributions for the last three thousand years. Look at the position of India in the world's map. It is surrounded on all sides by self-governing countries. Afganisthan, Tibet, Persia and China: in India itself there are more than 500 self-governing States. I do not say that they have responsible form of government, but they are all running their own administration. It is right that we, the people of British India which contains such highly developed races, should alone be denied self-government. I submit that the position is entirely untenable. If I am not mistaken, the British administrators must also be realizing the anomaly of the position.

4-15 p.m.

Much has lately been made of the Hindu-Muslim riots. But I do say with the utmost confidence from experience of what has happened and is happening now at the present time that the present régimé is helpless and powerless to prevent them, and I see no other chance of improving the communal relations, but a Government which is responsible both to Hindus and Muhammadans. At the same time, the Muhammadans being in the minority, taking India as a whole, are solicitous that the interests of minorities not themselves alone but of all minorities, should be properly safeguarded. This is a perfectly reasonable demand. If you look at the modern constitutions created within the last 10 years, you will find such safeguards provided in them. No one who is really anxious to see responsible Government established here can overlook minorities. Bad feeling exists between classes and communities in other places also; it may not be quite so bad as it is here in some respects. But responsible Government has been working in all these countries. I may say one word more. We want to make our country worth living in; remember this is our home, our own country, and it is our ambition and our interest to make it worth living in. In dominion connection there will be ample safeguards for legitimate British interests and there is no reason to suppose that Indian administrators will be reluctant to avail themselves of British enterprise, efficiency and science in so far as there is a need. But Indian administrative talent has no scope now. Men like Sir Syed Ahmad, Sir Salor Jung, Gokhale, and Sir Perozeshah Mehta in a free constitution would have made an impress on the world's history as great as that made by Bismarck, Abraham Lincoln, Gladstone or Gambetta. I well remember how bitterly after a heated discussion in the Public Services Commission in 1914 did Gokhale lament over this aspect of the situation in India.

Babu AKHIL CHANDRA DATTA: On a point of order, Sir, in the list of business this motion is described as a motion relating to the Simon Commission. May we know who is responsible for this description; we do not wish to have anything to do with the Simon Commission.

Sir ABD-UR-RAHIM: I had nothing to do with it; this description must have been given in the office and I have no objection to its being deleted.

Babu AKHIL CHANDRA DATTA: In view of the expression of opinion by the hon'ble mover, may we request the Hon'ble President to delete the description of the motion.

Dr. BIDHAN CHANDRA ROY: So far as we know, Sir Adb-ur-Rahim's speech was to put before the House an abstract speech. In that case, it is only proper that this qualifying clause should be removed.

Mr. PRESIDENT: Have you anything to say, Sir Abd-ur?

Sir ABD-UR-RAHIM: No, Sir.

Mr. PRESIDENT: I think it is quite fair that when the mover does not want it, we should issue a corrigendum.

Sir ABD-UR-RAHIM: Sir, I have put forward, as I have said, only certain general principles for the consideration of the House, and I would beg of the hon'ble members not to introduce any controversial question at this stage; not that I am afraid of dealing with such questions when the proper time comes. I have often expressed my opinion on them, but I say that this is not the time for discussing them. You will have ample opportunity, when the report is submitted to the House, of discussing these measures. If, on the other hand, we introduce any controversial matters now, the main issue will be clouded. I may remind the House that Lord Birkenhead repeatedly said that it was hopeless to expect any agreement among us. I am trying to ascertain whether there is no agreement on the main issues. I am confident indeed that all parties are agreed so far as dominion status and responsible government is concerned. But only on certain questions there exists a difference of opinion.

If we accept the general principles, all these controversies can be settled either by Conference among ourselves, or if that is not found possible, each party will then know how it stands. As regards my

Muhammadan colleagues, I may mention that the bulk of them have the utmost confidence in the Simon Commission, and they have, therefore, no reason to fear that their legitimate demands will be brushed aside.

[At 4-30 p.m. the Council was adjourned and it reassembled at at 4-40 p.m.]

Sir ABD-UR-RAHIM: I move that in order to secure a satisfactory and lasting solution of the political and constitutional problems that have arisen, it is the opinion of this Council that—

(*a*) the status of India should be that of a self-governing dominion under the British Crown as an equal partner in the Commonwealth of Nations within the British Empire and that necessary steps be taken to give adequate expression and effect to such status in the relations of India with Britain, the other self-governing dominions within the British Empire and with the foreign countries;

(*b*) the constitution of India be on the basis of a federation of autonomous States, the Federal or Central Government administering only such subjects as concern the whole of India;

(*c*) the present system of Government in the provinces popularly known as diarchy be abolished and full responsible government be inaugurated in the provinces;

(*d*) in the constitutional instruments the citizens' rights as recognised by all responsible governments be defined and adequate and effective safeguards be provided for the protection of the rights and interests of minorities;

(*e*) in lieu of the Meston Settlement, which has had specially disastrous effects on the administration of Bengal, fresh financial adjustments be made with the Central Government;

(*f*) appropriate provisions be made for the proper and adequate representation of important sections of the population in the various legislatures and other statutory self-governing public bodies;

(*g*) in the recruitment of the public services due regard be paid, in addition to the requisite academic qualifications of the candidates, to the need for securing the widest possible confidence in the administration by averting a communal or class monopoly; and

(*h*) for effectuating the abovementioned objects all necessary measures be adopted.

4-45 p.m.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Sir, I wish to state briefly the attitude of Government towards this resolution. As I stated in my speech on the 9th July in moving the resolution for the appointment of a Committee to work with the Commission, Government were opposed to amendments which proposed to give instructions to the Committee because they thought that the Committee should not be hampered by instructions which would prejudge the issues. I suggested at that time that members desired that the Council should express opinions on the problems raised in their amendments, should endeavour to effect this by submitting resolutions in an ordinary session of the Council, and I promised that Government would endeavour to provide the necessary facilities.

My friend Sir Abd-ur-Rahim withdrew the amendment which stood in his name, and has moved the resolution which is before the Council to-day. His resolution does not ask the Council to give instructions to the Committee, but asks the Council to state its views on certain constitutional problems. Government have already submitted and will submit to the Statutory Commission memoranda on some of the questions with which the Commission are concerned. They do not, therefore, propose to take part in the debate on this resolution, nor will they take any part in the divisions. They propose, however, to forward for the information of the Commission copies of the proceedings of the Council.

The following amendments were called but not moved, and therefore deemed to be withdrawn:—

Babu AMULYA CHANDRA DATTA to move, by way of amendment to motion of Sir Abd-ur-Rahim, that the consideration of the resolution be postponed till the All-parties Conference have formulated the demands of the Indian people about Constitutional Reforms at their next meeting in Lucknow in August next.

Maulvi SHAMSUR-RAHMAN to move, by way of amendment to motion of Sir Abd-ur-Rahim, that in clause (*d*) for the words "and adequate and effective safeguards be provided for the protection of rights and interests of minorities," the following be substituted, namely:—

> "and that representation should be mainly on the basis of population, provision being made, however, for adequate and effective safeguards for the protection of the rights and interests of minorities."

Babu NALINIRANJAN SARKER: I move, by way of amendment to motion of Sir Abd-ur-Rahim—

(*i*) that to clause (*e*) the words "on a more equitable basis" be added; and

(*ii*) that from clause (*f*), lines 3 and 4, the words "and other statutory self-governing public bodies" be omitted.

In doing so, it gives me great pleasure indeed that a motion on the question of our future constitutional system has been tabled in a way that it can secure a fair measure of unanimity, especially as regards the main principles. Save for a few slight amendments which I have enumerated, I accord my whole-hearted support to the motion, and hope that the House will join together in perfect union to make clear to the world that despite the exaggerated and much advertised dissensions and discords there is a fundamental unity of aspiration and purpose among the Indian people. To-day, Sir, I am sure that the Government will not fail to recognise the significance of a motion, sponsored by no impatient idealist, by no member of a majority community subtley planning to perpetuate communal tyranny over the less numerous and less advanced sections of the people, nor by one who may be lightly dismissed as no more and no better than a fire-eating politician, but by one who was till recently a responsible member of the Government—responsible, I say, according to the criterion of the Government themselves.

Let me now turn, Sir, to the terms of the resolution itself. The Council records will show how often and how thoroughly the constitutional question and the relevant issues relating to our demand have been threshed out in this Council, not to speak of the voluminous literature in the form of memoranda speeches, representations, etc., which are the contributions of thoughtful public men outside this Council. Practically, no new argument can or need be advanced to-day, and I shall content myself with a few observations about the wording of the resolution as it now stands. Clause (c) of the resolution demands the abolition of dyarchy and the inauguration of full responsible government in the provinces. It may be said, Sir, that these terms are too vague and that they are often used as mere catchwords without a realisation of their exact significance. The verdict on dyarchy has been unanimous and categorical. The draftsman of the dyarchic scheme is also its aptest critic. And it was Sir William Marris who pronounced that dyarchy was rooted in compromise and defensible only as a transitional expedient. That need for compromise and that phase of transition exist no longer, for though dyarchy has failed, the political capacity of the Councils and the Ministers has been fully vindicated. There is no half-way house, again to quote Sir William, "between the present and a new constitution; concessions

which fall short of complete provincial autonomy will secure neither stability nor contentment." This compromise and this transitional expedient must needs go, and full provincial autonomy must needs be established. This means clearly two things—the first is that the Government of India, which still maintains control over the Reserved subjects of the provinces, must relax it to the same extent as in the Transferred departments. That would mean the establishment of provincial autonomy; and the second is that the control which was exercised by the Government of India must be transferred to a purely popular legislature. The responsibility in provincial matters to the Councils must be full and absolute, as to-day there is no possible justification for this distribution between the Transferred and the Reserved halves with the Governor as a final arbiter in case of conflicting jurisdiction. The result of this and a few other obvious causes has been that the centre of gravity has fallen outside the base of the Ministers. There has been a complete travesty of the principle of ministrial responsibility and the term Minister is nothing but a grandiloquent designation, while in fact they have sunk to the position of mere advisers without the "shadow's shadow" of power. If such a sham and mockery of parliamentary institutions is not to continue any longer, the entire provincial administration should be transferred to the Ministry, subject of course to the constitutional exercise of his authority by the Governor. The responsibility of the Ministry to the Councils is the foundation of popular government, and that takes me to the question of the abolition of the large block of nominated votes whose presence in the Council is such an access of strength to the Government and a standing menace to the authority of the people's will. It is sufficient to say that no system of parliamentary government, meaning thereby the full responsibility of the Executive to an elected legislature, can co-exist with a system of nominated members commanding a large and indivisible block and functioning like a guard of Janissaries, impervious to public opinion, around the Government.

Now Sir, let me come to my amendments. First, "that on a more equitable basis" be added at the end of clause (*e*). Its object is obvious. The present settlement throws on this province a disproportionate burden, rendered more so by the differential taxation caused by the centralisation of the jute export duty, and it is allowed to retain very little for its own development. No amount of constitutional reform would be of any avail if the adjustment of revenue between the Central Government and the Provincial Government is not made on a more equitable basis. The subject has been so thoroughly discussed in the various sessions of this Council, and particularly during the last winter session, that the exact meaning of these terms cannot now be a matter of any doubt.

As for the next, the deletion of the latter part of clause (6), I must make it clear that it is not my intention to restrict the free play of

communal ambition whenever and wherever it becomes absolutely necessary in the larger interests of the country. All that I want to impress upon this House is that the retention of this is not necessary in the present motion, in view of the fact that the statutory public bodies will be created by future legislatures and in that statue the question can be dealt with on its own merits. I hope the House will recognise the inexpediency of curbing the advance of freedom of the future legislators.

As for the amendment for the recruitment of public services, I must emphasis that even more important than the guarantee of adequate representation of the various communities is the co-operation of services with the pupular executive of the future. Sir, the loudest creak of the ill-advised dyarchic machinery was due to the lack of accommodation on the part of the services to the new conditions of responsible government. With the increasing adoption of the methods of the parliamentary government, important changes in the function of the services are inevitable. A bureaucracy, which not only administers but governs, is incompatible with parliamentary government. The position of the Civil Services up to 1921 was essentially that of a governing corporation, and even after the Reforms, though there was an alteration of character and the Ministers were given the right to initiate policies and control their execution but, as a matter of fact, the services were too powerful for the Ministers. What is emphasised here is the necessity of transforming the services from a political corporation into a purely administrative body as in England and in other parliamentary bodies. What the future system would require is not a clear body of non-Indians with pretence to governance, but a body of loyal officers, able and ready to administer according to the policy initiated by a popular executive. The recruitment of non-Indians tends to create a powerful corporation so conscious of, and so inexorably wedded to, its own vested interests that it is not only not useful in popular administration, but often constitutes a grave danger to its safety. I need not refer at length to the fact that non-Indian officers are far more costly. The efficiency of Indian officers can no longer be questioned and, therefore, there is everything to be said for the exclusion of non-Indians in the future recruitment of the public services. Exceptional cases must, of course, be provided for, where special technical qualifications and expert knowledge are needed. Subject to this, in making appointments to selection posts, efficiency should be our sole test. Sir, it would be a disaster of the first magnitude if the superior posts be made the hunting ground of shifting political considerations and communal and personal interests. It goes without saying that ideally speaking competence, ability and qualification alone should form the creteria for recruitment to all grades of public services. Unfortunately, in the special condition in India, in its social and political structure of to-day, this is not wholly possible, and the claims of important communities for due share in the public services must be recognised, though

that must be done with great caution. The British services, to their credit it must be said, have been thoroughly efficient, in the sense that they have proved equal to their ends and purposes. If the same degree of efficiency is to be secured even after their progressive elimination, then the intrusion of communal feelings into what are termed the selection appointment of our public services will have to be opposed tooth and nail by every true lover of the country. Subject to this, the claims of all communities must be recognised in other services, subject of course to their satisfying a minimum standard of qualification. However just the claim of every community for their due share in the public services may be, when this principle of representation of offices is claimed on the basis of a numerical percentage and is pressed with vigour as a part of their political programme, there is serious danger that the ideal of an efficient public service may be subordinated to the method of balancing communal claims. We must, therefore, proceed with caution, because any attempt to man the essential services by officials recruited on a communal basis would mean the breakdown of an administrative system whose unimpaired strength is the only foundation on which Indian self-government can be built.

5 p.m.

The motion that to clause (*e*) the words "on a more equitable basis" be added was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Ali, Maulvi Syed Nausher.
Ali, Mr. Altaf.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remee Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Base, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Ghuznavi, Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Pal Choudhuri, Mr. Ranjit.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sattar, Khan Sahib Abdus.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

The Ayes being 62 and the Noes nil, the motion was carried.

Mr. PRESIDENT: Mr. Nurul Huq Chaudhuri, my attention has been drawn to the fact that, although you called for a division, you did not vote either way and I am sure the Council will not approve of your conduct.

Maulvi NURUL HUQ CHAUDHURI: May I offer a personal explanation, Sir? I wanted to show that the House was unanimous on this motion and, therefore, I called a division just to show that there was no difference of opinion on this particular motion.

Mr. PRESIDENT: I am afraid I do not approve of your action. You might have gone to the Ayes Lobby to achieve your purpose.

Mr. A. K. FAZL-UL HUQ: On a point of order, Sir. The resolution moved by Sir Abd-ur-Rahim and the amendments will, I think, be discussed fully before all the amendments are put to vote. There should be a full discussion on the resolution as well as on the amendments.

Mr. PRESIDENT: I do not quite agree with you. I think the members should discuss the amendments as they appear, although I do not want to be very particular on this point. In any case, when all the amendments are disposed of, the resolution itself will be for discussion. The following motion was then put and agreed to:—

"That from clause (*f*), lines 3 and 4, the words 'and other statutory self-governing public bodies' be omitted."

The following motion was called but not moved and, therefore, deemed to be withdrawn:—

Babu BEJOY KRISHNA BOSE to move, by way of amendment to motion of Sir Abd-ur-Rahim, that to clause (*f*) the following words be added, namely:—

"but the said representation shall not be made on communal basis."

Mr. A. K. FAZL-UL HUQ: The resolution moved by Sir Abd-ur-Rahim and the amendment which has just been moved involve issues of such momentous importance that it should be discussed in an atmosphere altogether free from passion and prejudice, and no question should be raised of any controversial character.

Mr. PRESIDENT: Mr. Huq, are you moving your amendment in regard to (*f*)?

Mr. A. K. FAZL-UL HUQ: Sir, from that view I was prepared not to press my amendment, but since my hon'ble friend, Babu Naliniranjan Sarker, has formally moved his amendment and has also taken the

opinion of the House, I beg to move my first amendment that stands in my name, which runs as follows:—

"That to clause (*f*) the following be added, namely, 'by means of a system of separate communal electorates.'"

Sir, I am fully aware that this question of separate communal electorates of the various communities in India raises an important question of an extremely delicate and controversial character. Sir, public opinion in India can be broadly classified into two classes. There is that vocal public opinion which is voiced incessantly through the public press and platform and there is that mute unexpressed opinion—mostly of the unfortunate Moslem population of India—which seldom finds expression, either in the press or on the platform. But I feel I am right in saying that so far as this question of separate communal representation is concerned, the Moslem opinion is practically unanimous that the system that has suited to the requirements of the community is undoubtedly one by means of separate representation. Sir, in the year 1925—if I remember aright—at the sitting of the All-India Moslem League, presided over by Sir Abd-ur-Rahim, Mr. Jinnah proposed a resolution of this character which was seconded by Sir Ali Imam and carried unanimously. So far as this question is concerned, it should be decided one way or the other, and we were all expecting that the All-Parties Conference would arrive at a satisfactory solution. Unfortunately, no solution has been arrived at yet—I say no satisfactory solution has been arrived at which can be called unanimous. (A voice: It was unanimous.) It may be according to the Swarajist view, but I have seen no report so far as this question is concerned. As regards the question of leaving the question of settlement either to the All-Parties Conference or any other body, personally I do not think that any good would come out of it. The other day my friend, Babu Manmatha Nath Roy, said that he had lost all faith in the Government. Sir, I go further than that and say that I have lost faith not only in the British people in India, official and non-official, but I have also lost faith in the political leaders of the country. It seems to me that they are reluctant to face the controversial question that arises from time to time as regards the representation of various interests in legislatures and other public bodies. Sir, I do not wish to make any lengthy speech, but I simply move this amendment, and if I find the sense of the House is against it, I reserve the right to call a division. I do not know whether you would permit me now to move the second amendment that stands in my name.

Mr. PRESIDENT: No, not now.

Khan Bahadur Maulvi AZIZUL HAQUE: I have been taken by a little surprise.. .....

Mr. PRESIDENT: Khan Bahadur, I think it is out of order to begin like that. Whenever you rise to speak, you should address the Chair and make it clear that you want to say something on a point of order.

Khan Bahadur Maulvi AZIZUL HAQUE: It is very difficult for us to follow the debate in the way you are proceeding. You are following clause by clause of the different amendments. I think all the amendments will have to be moved together, and thereafter they will be put to the vote and decided.

Mr. PRESIDENT: I am afraid I have to rule you out of order. I think what I am doing is absolutely right.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir?

Mr. PRESIDENT: Is that a new point of order?

Khan Bahadur Maulvi AZIZUL HAQUE: No, it is the same.

Mr. PRESIDENT: I have already ruled you out of order.

Maulvi ABUL KASEM: On a point of order, Sir. Will you permit me to move the amendment tabled in the name of Maulvi Shamsur-Rahman or to substitute for that portion of Mr. Fazl-ul Huq's amendment which relates to.....

Mr. PRESIDENT: We have not reached Mr. Fazl-ul Huq's amendment yet.

5-15 p.m.

Mr. J. M. SEN GUPTA: May I for our information ask you to let the House know exactly how clause (*f*) of Sir Abd-ur-Rahim's motion stands now, having regard to the amendment of Babu Naliniranjan Sarker which has just now been carried? I think some members do not realise what is the position of clause (*f*) just now.

Mr. PRESIDENT: I do not think it is very difficult to find that out. What do you exactly want to know?

Rai HARENDRANATH CHAUDHURI: Babu Naliniranjan Sarker's amendment was carried; you declared that it was carried. Your attention was drawn by our leader as to how clause (*f*) stands now, after Babu Naliniranjan Sarker's amendment was carried. In view of the fact that you observed that no amendment was carried, I

submit that clause (*f*) has been so altered by Babu Naliniranjan Sarker's amendment that Mr. Fazl-ul Huq can no longer move his amendment. If it can be moved, we want to know what the present position of clause (*f*) is.

Mr. J. M. SEN GUPTA: Mr. Fazl-ul Huq moves that certain words be added to clause (*f*). I submit clause (*f*), as it stands now after the amendment, is: "appropriate provisions be made.....various legislatures" and stops there, because the rest of the clause has been omitted. I take it that Mr. Fazl-ul Huq's amendment is that the words be added after the word "legislatures."

Mr. PRESIDENT: Yes, there is scope for that.

Mr. H. S. SUHRAWARDY: We understood that your ruling was that the amendments with regard to each clause would be considered and then amendments of each amendment with regard to each clause would be put to vote.

Mr. PRESIDENT: Where do you find that? When did I give that ruling?

Mr. H. S. SUHRAWARDY: We are considering the resolution clause by clause, and we have considered clause (*f*), and we have had two amendments moved with regard to (*f*). We take it that at the present moment all amendments to clause (*f*) drop out. If your ruling is not this but otherwise, is it then you ruling that when we consider clause (*g*) you will put each amendment for separate discussion and separate voting? Or is it something different?

Mr. PRESIDENT: All I can say is that we are dealing at present with clause (*f*); when that is done, I shall take up (*g*). I think Mr. Fazl-ul Huq's amendment has still the scope that he intends it to have.

Mr. H. S. SUHRAWARDY: We consider it was an act of oversight on your part.

Mr. PRESIDENT: Order, order.

Sir ABD-UR-RAHIM: Mr. Fazl-ul Huq's amendment deals with clause (*f*) in my motion and includes "statutory self-governing bodies." He had not in his mind the idea of any amendment to the motion of Babu Naliniranjan Sarker. No vote has been taken on Mr. Huq's amendment. If the words "statutory self-governing public bodies" be deleted, then the object of his motion is frustrated. Therefore, it should be put as an amendment to the entire resolution.

Mr. H. S. SUHRAWARDY: It should be discussed together.

Mr. PRESIDENT: Order, order. What is your point, Sir Abd-ur-Rahim?

Sir ABD-UR-RAHIM: The amendment of Mr. Fazl-ul Huq is with regard to the entire clause (*f*) and if that amendment only applies to the part of it that remains after the deletion of the words "statutory self-governing bodies," his purpose is defeated. Now he is adding some words to the entire clause (*f*), and I think the words "statutory self-governing public bodies" should be there so far as his own amendment is concerned. He had no opportunity to do that.

Mr. PRESIDENT: I am afraid there is no help for it.

Rai HARENDRANATH CHAUDHURI: Mr. Fazl-ul Huq's amendment is only a qualifying clause; it applies to both parts of it, "to important sections of populations" and "to various legislatures"; if it relates to the whole of it, then Mr. Fazl-ul Huq is not entitled to move his amendment. But if his amendment relates to both parts of it, then, in the altered circumstances, it applies only to the first portion of the original clause.

Mr. PRESIDENT: Your last assumption is correct. I think it will simplify matters if I read out how clause (*f*) now stands after Babu Naliniranjan Sarker's amendment was carried. It now reads—"appropriate provisions be made for the proper and adequate representation of important sections of the population in the various legislatures." It is proposed now to add Mr. Fazl-ul Huq's words in his amendment if they are carried.

Mr. H. S. SUHRAWARDY: May I rise to a point of order?

Mr. PRESIDENT: Not unless it is a new one. I have already disposed of all points of order on this point.

Khan Bahadur Maulvi EKRAMUL HUQ: Mr. President, Sir, I rise to support the amendment moved by my friend Mr. Fazl-ul Huq. When Sir Abd-ur-Rahim moved his resolution, we did not think that it would be necessary for this House to divide over any matter, but I find now that a division was called on the motion put forward by Babu Naliniranjan Sarker, with the result that some change has been introduced into Sir Abd-ur-Rahim's motion. It was necessary for the whole House to come to an understanding as to what it should do, but this was not done, and as this was not done and as details have to some extent to be gone through, it is necessary that Mahammadans should on their part clearly

indicate to the House and to the outside world what they actually want. There is no question that so far as the question of separate representation is concerned, Muhammadans in the whole of Bengal will agree that they do want separate electorate. Such being the case, this House also clearly and unequivocally makes it known that they want separate electorate and consequently representation through a separate electorate. I agree with all that has been said in this connection by Mr. Huq and support the motion for the insertion of the additional words as put forward by Mr. Fazl-ul Huq.....

Babu BEJOY KRISHNA BOSE: In rising to oppose the amendment of Mr. Fazl-ul Huq, may I remind the House of the report of the Donoughmore Committee with regard to Ceylon which has recommended that so far as Ceylon is concerned there should be no communal representation in its legislature? May I ask my friend, Mr. Fazl-ul Huq if, after long years of public service, he is going to commit Bengal to communal representation in the legislature—because that is the object of his motion? If Mr. Fazl-ul Huq's motion is carried, it will amount to this, that there should be communal representation in the various legislatures. Is it patriotic, is it proper on the part of Mr. Fazl-ul Huq to urge, at this critical moment in the history of Bengal, that we want communal representation in the legislature, while those who have come from Europe have declared in the case of Ceylon that there should be no communal representation there?

Maulvi ABUL KASEM. I am sorry I cannot agree with my friend, Babu Bejoy Krishna Bose. It is certainly a fact that the Donoughmore Committee have done away with communal representation in the case of Ceylon, and nobody will be more glad than myself if the situation in Bengal was such that we could declare against communal representation. But I want, with your permission, Sir, to modify Mr. Fazl-ul Huq's amendment in this matter that separate electorate be allowed to exist so long as the various communities do not agree among themselves to do away with it. The situation in Ceylon I do not know; the situation in Bengal I do know. I must say that my friends on the other side of this House have failed to create a situation which will give the Mussalmans trust and faith in them, in order to enable them to give up their right of separate electorate. Separate electorate is undoubtedly an evil, and anyone who has watched the working of public institutions in this province must admit it, but unfortunately it is a necessary evil so far as Bengal at least is concerned.

Dr. BIDHAN CHANDRA ROY: I understand Mr. Abul Kasem is moving an amendment to an amendment which is before the House. May I inquire under what rules this is allowed?

Maulvi ABUL KASEM: I say that the time will come—and I hope it will come very shortly—but so long as there is not mutual trust,

mutual confidence between Hindus and Muhammadans and no safeguard of the weaker community, I think it is absolutely necessary that we ought to have separate electorate.

5-30 p.m.

My friend, Mr. Bejoy Krishna Bose, has asked Mr. Fazl-ul Huq, if after all his years of public life he should be so unpatriotic as to declare Bengal to be committed to separate electorates. I say that after all these years of public service—and the great services which he has rendered—Mr. Bejoy Krishna Bose should go to the country and try and influence the members of his own community to create a situation by which the Muhammadans can give up separate electorate. Whether the Muhammadan population is 2·8 or 4·8, we want that our interests and our rights should be protected and safeguarded, and that cannot be done, as we at present stand, without separate electorates.

Sir, my friends know that in the early days to me the question of separate electorates was abhorrent, but experience and practice have taught me that that is the safest way of safeguarding our interests. If you abolish separate electorates, why not abolish the representation of separate bodies. It follows as a natural sequence that representation to the legislatures should be by votes, without consideration of the interests of Hindus and Muhammadans. What my friend suggests is that we should have a joint electorate with seats reserved for Muhammadans. But the Mussalmans object to that, and they think that they would rather have no Mussalmans in the legislature than having Mussalmans who come to this House at the bidding of the people of other communities.

Sir, to gain the goal of self-government it is absolutely necessary that we should work together with mutual trust and confidence, but that situation has not arisen. My friend has charged us with want of patriotism, but I say that with them patriotism means domineering of the Mussalmans by the Hindus.

Dr. J. M. DAS GUPTA: Sir, it is not often that I stand on my legs to inflict a speech on the members of this House, but the speech delivered by the last speaker is enough to provoke anybody to commit an indiscretion. Sir, the burden of my friend Mr. Abul Kasem's speech is that the Hindus, and particularly the Hindu members of the Congress block, have not been able to create a situation in the country that would create, or has now created, such a confidence in the minds of the Muhammadans of this country as would justify them to forego communal electorates. Sir, I would like to ask Mr. Abul Kasem what he thinks the right index by which we should be guided in gauging this amount of confidence. Sir, the question that has been put before the public by the Congress is that there should be joint electorates with reservation of seats for the minority communities, and even the question whether there should or should not be reservation

of seats for the majority communities also is now being discussed. One thing, however, is certain. Anybody who has toured about in the province is bound to be convinced that this question of common electorate, with reservation of seats, can never be unacceptable to any portion of the population of this province. The only people who will be found to raise a voice against a common electorate are those who have no touch with the masses at large. The reason on which I base my statement is that I, amongst others, have been obliged to tour about the famine-stricken areas of the province, and it has been one of my most pleasing experiences, amidst all sorts of troubles and privations, to see Muhammadans giving relief to Brahmins in areas where the bulk of the workers and funds come from the Muhammadans, and so also I have seen in a large number of famine centres, where the workers and the funds come almost entirely from the Hindus, the Hindus are distributing relief to Muhammadans and their own people alike. Sir, in North Bengal, in Khulna, or in Western Bengal, or wherever I have gone, so far as the inhabitants of the villages are concerned, I say that communal dissension does not exist, unless and until it is artificially created. If we have a joint electorate, with reservation of seats, I maintain that only those people who are real patriots, and who have the welfare and interests of both the communities at heart, only they and they alone will have any chance of coming to the Council, and it is my conviction that the fear of losing their seats has ranged some of the members of this House against this simple and honest suggestion.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I had no intention to take part in this debate, but for the remark of my friend, Mr. Bejoy Krishna Bose, that in supporting separate electorate, we are guided more or less by unpatriotic motives. Sir, I consider it my duty from my humble point of view to explain the position of the Mussalman community, so far as the present question of separate electorate is concerned. Let it not be thought that patriotism, as I said the other day, is the monopoly of only a particular class, community, or creed in this country. Renowned statesmen and thinkers amongst the Muhammadan community also have been seriously considering the desirability of retaining or otherwise separate electorate and also the feasibility of having a common electorate in the politics of this country. But I can assure my friend that it will not be by simply voting down this separate electorate that you can have a common electorate in this country. The Mussalmans in Bengal—as a matter of fact the Mussalmans in the whole of India—consider separate electorate as essential for their political security in this country. (A voice: Not all.) A friend cries "Not all," but I can say the rank and file—the majority of the people.

Mr. SUBHAS CHANDRA BOSE: What about the Muslim League?

Khan Bahadur Maulvi AZIZUL HAQUE: I am certainly prepared to answer my friend about the Muslim League. I would ask my friend to consider as to the number of people who constitute the Muslim League. I do not deny that the Muslim League has desired that in the interests of the country there should be a common electorate, but that is purely an ideal—just as my friends on the other side are thinking of other ideals for the country. Sir, it is a Mussalman who first thought that joint electorate should be tried in this country, but quite apart from that and from what the Muslim League has done, or quite apart from what the Congress has done we cannot divorce ourselves from our responsibilities in the matter. We have a duty to our country, and because we feel we have a duty to our country, we consider that separate electorates should be retained for some time to come. I will not argue about theories, but I will present my friends, through you Sir, certain facts and figures. Even to-day it has been noticed that there is not a single Muhammadan representative on the Bankura Local Board. (A voice: What about Mymensingh where the Muhammandan population is only 2·5 per cent. of the total population.) I want my friends to pause a little and consider the position of the Mussalmans in the Burdwan Division. I was working at the figures for the Burdwan Division the other day, where the Muhammadans from 10 to 14 per cent. and the Hindus about 90 per cent. of the entire population.....(A voice: Don't forget Eastern Bengal.) I am quite prepared to go to any debating club and to participate in any debate over the question of separate electorate, but my friend knows that it is very difficult to answer any question like this offhand—for him even. But I say seriously again that I am quite prepared to meet my friend in any debate and if he can satisfy me that joint constituencies are possible in the present state of politics in Bengal, I shall accept it. I do not know whether my friend has spent any time over it. I have spent many nights over figures and statistics as to whether it is possible to have any constituency with common electorates for this presidency, and I have found that it would be a wrong to the Muhammadan community of Burdwan Division to have a joint electorate there, just as much as it would be a wrong to the Hindus in the Chittagong Division to have a joint electorate. I am not merely thinking of the Muhammadan community: I am thinking of the minority community, the Hindu community in this presidency. Sir, the Hindu voters generally belong to the urban areas, and the Muhammadan voters belong to the rural areas. You will find that the Muhammadans predominate in the rural areas, whereas the Hindus predominate in urban areas. If a common electorate were introduced, it will soon come that the urban people will swamp the rural people. What will be the fate of the rural and urban populations under such circumstances? I can speak of my own district, where there are 9 municipalities, and if they combined they could under any system of common electorate at any time swamp the rural people who constitute the largest

proportion of the total population of the district. And from that point of view, I think, it would not be safe at present, till my friend, Mr. Subhas Chandra Bose, has put forward a practical scheme, to ask the Muhammadan community to do away with separate electorate. Sir, up till now we have heard of many theories about doing away with separate electorate, but we have not found any single workable scheme by which we can be convinced that the Muhammadans of Bengal can do away with separate electorate. As my friend Mr. Abul Kasem has pointed out, the doing away of the separate electorate by the Muhammadans will depend not upon the attitude of the Muhammadan community, but upon that of the Hindu community. We feel that we are very insecure in the politics of this country. I have the misfortune to belong to a district where in an unfortunate riot, some 288 Muhammadan huts were burnt down, and we found the next day in the papers that the Muhammadans themselves had burnt their own huts. Mispresentation in Hindu journals is our usual fate now. It would not be safe for me to rely on anyone else but myself. God has created me to rely on myself and not on others. We Muhammadans also belong to this country and that we too think of the interests of this country but not in agreement on matters affecting us both, in spite of separate electorate? I want to know whether my friends, Mr. Subhas Chandra Bose and Mr. J. M. Sen Gupta, do not go to see Sir Abd-ur-Rahim on questions of general principle. I feel that if it is not impossible for Sir Abd-ur-Rahim and Mr. Subhas Chandra Bose to confer on questions of general interest, although they come through separate electorates, it is not impossible for others to take interest on general questions concerning both the communities.

5-45 p.m.

I will not say much on this point. As I said, I am quite prepared to show my friends that it is not possible just now. Possibly, we may be doing wrong, but there is no help for it. I will give you one concrete instance: In a certain municipality five vacancies occurred. It was advertised that only matriculates would be taken. Only one Mussalman, who was a matriculate, applied, and the rest were all Hindus and were non-matriculates. All the men who were taken in were Hindus (non-matriculates). So long as that temperament continues, it would be very difficult for the Mussalmans to rely upon such gentlemen! I would also ask my friends if they would kindly control the journals of Calcutta. I quite realise that there are one or two journals which on occasions take a dispassionate view of things. But most of the journals take a very narrow view. Sir, we are pledged to separate electorate till we find a better machinery is found out.

Srijut NAGENDRA NATH SEN: We have been pained at the provocative speech of the Khan Bahadur and Maulvi Abul Kasem. The fact is that in Bengal they are in a majority. So there can be no

question of their misapprehension, and I am very sorry that the major portion of the speeches of the Khan Bahadur and Maulvi Abul Kasem are opposed to facts. They seem to think that in the case of mixed electorates, Muhammadans would have no hope. I appeal to them to see the actual state of affairs in the districts of Jessore and Mymensingh. In the case of the Jessore District Board, out of 20 elected members, 19 are Muhammadans and one Hindu. (A voice: a Namasudra:) But all the same Namasudras are Hindus; they are not Muhammadans. Take the case of Mymensingh.....

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir. Is my friend supporting separate electorate?

Srijut NAGENDRA NATH SEN: In the case of Mymensingh, the Hindus might ask for a separate electorate. The Muhammadans should forego the mentality of asking for a separate electorate. They should not think the Hindus as aliens. I would ask my friend, Maulvi Syed Nausher Ali, the present Chairman of the Jessore District Board, as to who supported him—it was the Hindu members. It was the proposers and the seconders of the resolution who brought him there. Take the case of the Khulna District Board. My friend, Khan Bahadur Maulvi Azizul Haque, gave an instance in which a matriculate Muhammadan was given the go-by and a certain non-matriculate Hindu was taken in. In the Khulna District Board there were certain vacancies for which both Hindus and Muhammadans applied. The qualifications of the Hindus were that they were graduates. Objections were taken that there should not be any higher standard of qualifications for the Muhammadans. We accepted that view, and the Muhammadan candidates were taken in. In filling up public appointments, the question of racial qualifications should not be raised at the cost of efficiency. As regards the question of legislature, how could it be said that there should be a separate electorate for the Muhammadans? They have nothing to urge in support of their contention. The Hindus cannot be said to be guilty of being partial to the members of their own community in preference to efficient Muhammadans, whenever they are available. I, therefore, submit that the amendment moved by my friend, Mr. Fazl-ul Huq, should be negatived.

Khan Sahib ABDUS SATTAR: I had no intention at all of taking any part in a discussion like this. But as the last speaker of the Municipality of Jessore has raised certain points, I cannot but rise to speak a few words. We had a Mussalman member standing for election to this Council from the Dacca University Constituency. This was a case of mixed electorate, and I do not think it is necessary for me to give the name. He is a gentleman of high University qualifications. He was not returned in preference to the other Hindu candidate whose

qualifications were not equal to those of the other. The mixed electorate we may have in our district, will be comprised of mostly illiterate persons, but here in this particular case the electorate was a mixed, literate and highly educated one. May I ask how many Hindu votes were secured by the Mussalman candidate for the mixed electorate? So, I do not see how the Muhammadans can be expected to go over this question at this stage that they should not want a separate electorate. I, therefore, support the amendment moved by my friend, Mr. Fazl-ul Huq.

Sir ABD-UR-RAHIM: I wanted that this and other controversial questions should not be discussed at this stage, but the question has been raised now whether we should decide for a separate communal electorate or for a general or mixed electorate; I think this is a great pity, because the more important issues are likely to be clouded. But as the question has been raised, I ought to give my opinion. I have very carefully considered this question, and so far as the Moslem political bodies are concerned, I am bound to say that the overwhelming opinion is in favour of a separate electorate. Take the Indian Moslem League—before the split in 1927—year after year, they had been passing resolutions demanding a separate electorate. There is no doubt about it. Also the local Moslem bodies all over India have been unanimously supporting separate electorates. I quite understand that there are considerations against separate electorates, but I have not been able to understand how there is anything in the system militating against a proper national development. Whatever the theory, the facts are just the reverse. Separate electorates have existed ever since the reforms, when it was sanctioned by no less a liberal statesman than Lord Morley. In the second Council in Bengal, when the late Mr. C. R. Das was living, he had in his party more than half the number of Muhammadans all returned by separate electorates. One of the foremost leaders of the National Party in the Legislative Assembly is Mr. Jinnah, also returned by separate electorate. Had I really thought that there was anything seriously injurious to national interests, I assure the House I would have never asked for it. But experience has shown that separate electorates have never prevented the Muhammadans from joining hands with representatives of other communities enthusiastically and wholeheartedly in advancing common national interests. Well, Sir, I have been returned by a special electorate and ever since the beginning of this Council I have always supported the popular cause whenever it came up. One thing I could put to my Hindu friends, and that is this: We are always asking for self-determination. If the Muhammadans as a body think that they should be allowed to choose their own representatives, why should we not extend to them the doctrine of self-determination? Why should we deny them this privilege so far as they are concerned? I have

never contended and I do not contend that separate electorates should be a permanent feature of the constitution here. It ought to be given up as soon as the conditions permit. But to try to force the Muhammadans to give it up is the wrong way of doing things. I put it to my friends—Can there be any doubt that in Bengal there is an overwhelming opinion in its favour? I remember that in the Barisal Conference this question was raised. There were certain gentlemen present who were against separate electorates, but the general opinion was so strong in the gathering that no voice was raised in dissent.

6 p.m.

Mr. H. S. SUHRAWARDY: The Swaraj Party has committed several blunders, but to-day in allowing Babu Naliniranjan Sarker to move his amendment, it has committed its crowning piece of folly. Many amendments were tabled to Sir Abd-ur-Rahim's resolution which were communal in nature—some anti-communal and some non-communal. I understand that the Muhammadan members had all agreed to withhold their amendments, and they would have done so, had it not been for the ill-advised action of Babu Naliniranjan Sarker in moving the amendment which has set the ball of communal controversy rolling. I am, indeed, sorry that Mr Fazl-ul Huq has thereupon been forced to press his amendment before the House. I would far rather have supported the motion of Sir Abd-ur-Rahim in its unalloyed, untrammelled and unaffected form, for I feel that much thought has been spent upon it. Something has been fashioned which is really a work of art, and which has placed before the country and the Government the wishes of the people who profess nationalist ideas and which are above controversy. I had hoped the Council would accept the resolution without bringing in controversial topics for discussion. There is a large number of us here who realise that there are topics of a so highly controversial nature that no amount of discussion on the floor of the House will bring about an agreement, and the question of communal electorate is one of them. It is for this reason that in order to compose the differences between Hindus and Muhammadans the Simon Commission is coming out. It is for this reason that we have decided to go before the Commission and place our case before them and urge our respective claims, but to discuss this question on the floor of the House without taking proper evidence and to come to final arrangements simply by a majority or minority of votes is absolutely futile. There might be some chance of coming to a settlement. I would ask Mr. Fazl-ul Huq to withdraw his amendment outside, but certainly not within the House, where discussion only leads to acerbity of temper. I would ask others who have tabled their amendments to withdraw theirs and allow Sir Abd-ur-Rahim's resolution to go through without any further amendment and without any further mischief being done.

I would avoid the spectacle of Hindus and Muhammadans going to various sides of this House and showing to the world that there are some matters in which we cannot possibly agree. Indeed, matters are so strained that there are few Muhammadans who, whatever their views, can support a joint electorate, simply for the reason that regardless of their own feelings, they realise that the majority of the community demand that they must not do so. It is no use saying that the Moslem League has declared otherwise; we all know that it is a body which is governed by a small clique. We who are in touch with our own people know what is the view which the Muhammadans actually hold.

My friends on the other side of the House have stated that in Jessore and Mymensingh hardly a single Hindu has been returned—this is the strongest ground that can be put forward for a communal electorate. We do not wish to deprive the Hindus of their right of deliberating on the District Boards, just as much as we desire to participate in the administration ourselves. You may turn round and say that the Hindus are content with this; you may turn round and say that no voice of protest has been raised against their exclusion from District Boards. But I warn you that five years hence, if matters are allowed to go on as they are, there will be such a voice, such a muttering behind the bars, such gnashing and grinding of teeth that you will not be able to deny its existence.

Not long ago I had occasion to appear in a case in Pabna in which a large number of Muhammadans—9 in number—had been returned by the Sirajganj Local Board to the District Board, and Hindus sought for an injunction to restrain the election of the Chairman and Vice-Chairman. They, however, appeared at the meeting and elected a gentleman as Chairman and another as Vice-Chairman, and the learned District Judge, presiding at the time, issued a rule to show cause why they should not be sent to jail for contempt, and they were actually sent to jail. That was the beginning of communal feeling in Pabna which led to the riots a short while ago. These things will have their repercussion. It is very difficult to convince my Hindu friends as to the necessity of a communal electorate, as it is very difficult for my Hindu friends to convince us that a joint electorate will safeguard the interests of the Muhammadans. These are matters which no amount of controversy or appeal will be able to solve, and I think that we should rather not discuss them and put them to vote. As I have said before, I, for my part, would not like to be confronted with the distressing spectacle of Hindus going to one lobby and Muhammadans going to another.

Maulvi SYED NAUSER ALI: It is unfortunate that this amendment should have been moved. Sir Abd-ur-Rahim's proposal was quite

of a non-controversial nature. Everyone expected that when the time would come, Muslims would say "we want communal electorate" and Hindus would say "we don't want communal electorate, but we want joint electorate." If the resolution had been put to vote as it stands, it would have been very easy for us all to go in support of it; we could have all voted as one body, and it would have shown that the whole of Bengal wants responsible government, wants liberty for the people of Bengal, wants liberty for the people of India. Unfortunately this controversy has been raised, and I do not know with what motive. I am compelled to express my opinion on the subject as it has been introduced in the Council. It has been said by the leaders of my community that there is a preponderance of Muslim opinion in favour of communal electorates, and I also shared the same view. But I have since changed my views, and I am now of opinion that the retention of separate electorate in Bengal is prejudicial to the interests of the Mussalmans themselves. I say this not on account of my success in the District Board, but on account of other facts. I base my argument on the very assumption on which communal electorate is sought to be established. The assumption is that we are a poor people and that we are in a minority in India, and so it will be impossible for us Mussalmans to get a proper share of the representation in the Councils. I assume the fact that the Mussalmans are poor, I assume that to a large extent they are in the grip of the Hindus, I assume that we may not have sufficient control over our own men. But what I want to say is that so far as Bengal is concerned, we are in a majority and there are the depressed classes of Hindus. If we the representatives of the people and the leaders of our community exert our influence to teach the people their rights and privileges, as also what franchise means, and if we explain to them in the mufassal what they will be going to vote for and what a proper vote means, I am sure they will come forward in a body to vote for those who will look after their interests—be they Hindus or Mussalmans.

Reference has been made to the fact that I have been elected Chairman of the Jessore District Board unanimously. That is a fact, but I must state in the same breadth that there is still communal feeling existing in the country. If anybody denies that, he will be denying facts. Assuming for the sake of argument that that feeling exists still, there is no reason for sticking to communal electorate. I assume at once that the whole country is communal from top to toe—Hindus never caring for the Mussalmans and Mussalmans never caring for the Hindus. That is all the more reason why in the interests of the Mussalmans themselves communal electorate should be abolished in Bengal. You have then only to go to the mufassal constituencies and to explain to them. Here I am, a Mussalman, to look after your interests; you Mussalmans, please vote for me. This is all you have got to do, but you will never care to do that, and you still pose to be the leaders of the people and the saviours

of our religion. It is an attitude that I do not like. I do not want to cast any reflection upon our leaders, but what I want to say is that the very argument which they advance for the system of communal electorate shows conclusively that if they are the real well-wishers of the people, they have the best chances of being elected to the Bengal Council in a very large majority. In Bengal the Mussalmans are in a majority, and if they think that the Hindus are communal and will not look to the interests of the Mussalmans, the Mussalmans will never vote for the Hindus and the Council will be swamped by Mussalmans.

Reference has also been made to the Jessore District Board affairs, and it has been said that the Namasudras sided with me. I say that they did not, because they are Hindus and I a Mussalman, but because they knew I would try to do justice to them all. In the face of the very fact of your being in the majority, you claim to have separate electorate. It reveals a pitiable state of things: it reveals in the leaders a distrust in themselves, it reveals a distrust in the constituencies, it reveals a distrust in our neighbours, and I say it is a pitiable state of things which we should try our best to remove altogether. Various arguments have been put forward for this separate electorate. One of these arguments seems to me to be that the Hindus being in power, the Hindus being the mahajans, and zamindars, they will try their best to influence the Mussalmans to vote in their favour. I admit they will try to do that, but I still say that from the point of view of the Muslim interest, communal electorates should be abolished. I will just show by facts and figures how many they are here now and how many they can expect to be in the proportion of population. The University constituencies are not likely to be abolished, and it is very doubtful if the other special constituencies would be done away with. Remembering that the Mussalmans have very little chance in these constituencies, it is very doubtful if on the basis of communal representation they will ever be in a majority in the Council. Admitting they will be, they can at the most expect a few more seats than the Hindus. Now if there be separate electorate and if the Hindu gentlemen have so much power, so much money and so much influence, they can very well buy up or win over some of the votes or members even now, as the Swaraj Party did in the last Council. That is, therefore, no argument why we should want communal electorate? Whereas, if we get joint electorate, it will be very difficult for the Hindus to influence the votes of the whole country; it will not be easy to buy up the whole constituencies. This is one of the strongest reasons why we should not have communal electorates in this province. It has been suggested that if communal electorate be abolished, there ought to be joint electorate with reservation of seats; that will give a better position to the Hindus, because they will then also be in an advantageous position to buy up or win over a few seats to increase their number and thereby to be in a majority, if at all they be in a minority by reservation of seats. One

fact strikes me very prominently as being against the system of communal electorate. What right have you got to limit the choice of the constituencies to a Hindu, or a Mussalman, or a Christian, or a Jew? You can at the most say that as there is a majority of Mussalmans in the province, the Mussalman should not be reduced to a minority in the Council. I can understand that, but I cannot understand why a constituency should be fettered in the matter of its choice. That is an untenable position altogether. You can create a constituency where there are none but Mussalman voters, but you cannot fetter their discretion by compelling them to elect a man of a particular faith. If that constituency thinks that it will be better served by a man belonging to another community, why restrict its choice to a particular community? The real issue seems to me, Sir, to be that we have no confidence in ourselves, we know we are helpless creatures, wo do not command the confidence of the people! What we should do is that we should educate our people and teach them what constituency means, what franchise means, what their rights and privileges are. Once you explain to them these facts, I think everything well be all right. They are not cowards, they are better men than ourselves, they will come forward with courage and fortitude even against the wishes of the zamindars and mahajans to vote for the real men. One thing is often lost sight of. The method of voting is by ballot, and the candidates do not know who votes for them and who does not, and so there will be no difficulty for the voters to exercise their franchise properly. I say that this communal electorate should be abolished, at least in Bengal. As regards other provinces also I think it will be suicidal to introduce this system. The Mussalmans are admittedly in the minority. What will they gain? They may get a few seats, but they will not be in a position to enforce their will. Therefore, it is no use having a communal electorate. It will simply create hatred and hostility and will engender a feeling of enmity and distrust, and nothing else. We will not gain our object by that. On the other hand, if there be joint electorates, the Mussalmans can say: "Well, you are our representatives, we want such and such things to be done," and if they fail to act according to their wishes, the whole Muslim country will be there to denounce them. Now, therefore, from the point of view of the Mussalmans themselves, I say it is desirable that there should be no communal electorate in Bengal at least, and so I oppose the amendment of my learned friend, Mr. A. K. Fazl-ul Huq.

Babu AMULYA CHANDRA DATTA: Mr. President, I should have thought that it was not necessary to oppose the amendment of Mr. Fazl-ul Huq after the speech of the last speaker. It was a refreshing speech that we have listened to, and we hope and trust that in view of that speech, Mr. Fazl-ul Huq would withdraw his amendment; but if he does not, I would oppose it, not only because I am convinced that communalism

is a vicious principle and has led to disastrous consequences since its introduction in Bengal, but also because I think that the question involved in that amendment is one which cannot be decided in the heated atmosphere of this Council. I tabled my amendment for the postponement of the consideration of this resolution of Sir Abd-ur-Rahim's till the All-Parties' Conference had formulated its demands, because I anticipated that in the Council communal passions and communal jealousies are apt to be provoked by the speeches of perfervid orators. My anticipations have unfortunately proved too true. I am really sorry for the turn the debate has taken, and I appeal to Sir Abd-ur-Rahim and Mr. Fazl-ul Huq,—especially to the latter—to withdraw the amendment, especially because I think this is a matter which is under the consideration of the All-Parties' Conference, and the final determination of the point involved may be put off till the All-Parties' Conference has given out its opinion. My friends, perhaps , would not admit the representative character of the All-Parties' Conference, and they may say that they are not bound by its decisions or its opinion. I do not say that they are bound by the decisions of the All-Parties' Cnference, but I think I am right in saying—and my friends cannot gainsay the point—that the All-Parties' Conference is composed of the wisest and the best brains of the country, and its decisions must carry great weight and command the greatest respect from us. The voice of this All-Parties' Conference will be the voice of the wisest and best amongst us. Let us wait till then, and let us accept the motion of Sir Abd-ur-Rahim in its original form, though I am not in favour of clauses (*f*) and (*g*). These clauses, as framed by Sir Abd-ur-Rahim, are wide and general in their character, and, subject to the amendment of Mr. Naliniranjan Sarker, let us accept it and let us postpone the consideration of the other question. That is a question which can be best disposed of in a Round Table Conference by mutual discussion and agreement and not in this Council, where we find that people are apt to be carried off their feet and to vilify each other.

With these word, Sir, I oppose the amendment of Mr. Fazl-ul Huq, and I hope and trust that he will accede to my request and withdraw his amendment.

Maulvi NURUL HUQ CHAUDHURI: In view of the speech delivered by Mr. Datta, I must make it clear that the responsibility for raising this controversial issue does not rest with the members on this side of the House. Mr. Sarker has come forward with an amendment which challenges controversy. We had all agreed to accept the resolution that stood in the name of Sir Abd-ur-Rahim, but unfortunately Mr. Sarker's amendment has produced the very controversy which we were all anxious to avoid. I have been listening very attentively to the orations of the patriots who regard separate electorate for the Muhammadans as a political heresay, but neither in this House, nor anywhere else, I have

heard up to the present time a single argument which could convince me, or for that matter any other man, that separate electorates has tended to breed the germ of destruction in the growth of nationalism in India. As a matter of fact, Sir, my Hindu friends on the other side do not on principle object to separate electorates. No one has ever heard at any time that the members on the other side have objected to separate electorates for zamindars, merchants, and mahajans. Where then do they draw the line of distinction? Why do they object to separate electorates for Muhammadans, but at the same time are willing to accept—and not only willing to accept but also to extend—separate representation for the zamindar and mahajan classes. I for myself fail to understand where the distinction lies. The fact is that separate electorate for Muhammadans brings in the question of representation of a community, but separate electorates for zamindars and merchants are not objected to, inasmuch as the representation is confined practically only to the Hindu community. Sir, I do not understand on what basis any hon'ble member of this House can raise any objection to separate electorates for Muhammadans as experience has shown that up to the present time no Muhammadan has been able to get himself elected through a joint electorate. The fact is, as Mr. Abul Kasem has pointed out, that the time has not yet arrived in the evolution of our country when one community can trust another community for safeguarding its interests. I would draw the attention of hon'ble members to the fact that the Legislative Assembly, which consists of members of whom three-fourths are Hindus, have not long ago refused to extend the Reforms to the North-West Frontier Province, which is a predominantly Muhammadan province with only a very small percentage of Hindus, solely on the ground that they can not trust the Muhammadan majority with the liberty of the Hindus there. By a parity of reason, I ask hon'ble members to consider whether they can ask the Muhammadans where they are in a minority to have confidence in the good faith of the Hindus. I would come nearer home. I would ask my patriotic friends on the other side what the condition of the Muhammandans has been in the matter of education. Out of the very large amount spent on education, not even one-fourth is spent on education for Muhammadans. But has any Hindu member, either in this House or in any other legislative body in this country, ever come forward to espouse the cause of the Muhammadans? If the Hindus will not espouse the cause of the Muhammadans, who else will do it? Do you expect that a Muhammadan sent through a mixed electorate will do it? I say, he will not and he cannot. The experience of the first Council has shown that the Muhammadans who were under any obligation to the Hindus were unable to vote freely. We have seen that when the Swaraj Party first came into existence, at least 21 Muhammadans voted against their own interests in this Council at the

bidding of the Hindus. (Cries of "Question.") I ask my Hindu friends if they are really the nationalists as they pose to be. I ask them to come forward as the champions of the Muhammadans if I can convince them that injustice is being done to the Muhammadans. Will they do it? I am quite sure they will not. The only way to remove communal representation is to remove the communal spirit. So long as you have the communal spirit, communal representation is bound to exist. And let me suggest to hon'ble members that charity ought to begin at home, and they who are the loudest in their protest against communal representation should themselves set an example that they are not communal themselves. It will then be a question whether mixed or separate electorates are in the best interests of the country. We have had experience of mixed electorates before, and we have seen that even a nationalist like the late Mr. Rasul failed to secure his return from a mixed electorate.

6-30 p.m.

But I know very well that one of the pillars of nationalism had failed to secure election from your mixed constituency. My advice to those members who are accustomed to talk of nationalism would be to see that they themselves should first get rid of their communism, before they would ask us to consent to an abolition of communal electorates.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: Sir, the question that has arisen is whether there should be a joint electorate or a separate electorate. Well, Sir, there should be no blinking at the facts. It is a known fact and it is in the hearts of the Muhammadans of Bengal, not only of Bengal, but throughout the whole of India, that the Muhammadans do not get any sympathy in their poverty or in their education or in their worldy difficulties from the Hindus. (A voice: "What about famine, what about the grants of doles.") But alms and doles are given to all; that is a different matter. The thing is why the Mussalmans of Bengal and all other provinces in India want separate electorates, because they are quite convinced that their interests are not to be entrusted to the Hindus: that is the reason. Otherwise, is there any charm in separate electorate? Certainly there is none. Now my learned friend, Maulvi Nausher Ali has spoken against the separate electorate. But he has been able to score through the election of District Board in Jessore, only because there is a majority of Muhammadans; otherwise he would have been nowhere. Of course, there were certain Namasudras who supported him, but they are treated as untouchables by the higher class Hindus, against whom they bear grudge. There should be separate electorates in the self-governing bodies, such as District Boards and Municipalities: the minorities

should not be neglected. In Mymensingh the Muhammadans may not want separate electorate, because they are in majority there. The Hindus do not want it, because they are in majority in the whole of India. The Muhammadans in every province demand separate electorate, because they consider that by means of general electorate their interests would not be represented. My friends who call themselves Swarajists or nationalists, they pose themselves as such, but in their heart of hearts they are not so, otherwise the Muhammadans and Hindus would have been united. It has been suggested that seats would be reserved for the Muhammadans, but we know what sort of Muhammadans would be returned by that sort of election: it would serve the purposes of the Hindu. Separate electorate is demanded by the Muhammadans of the whole of India in one voice; they have been able to make their minds clear. The Hindus have no sympathy for the Muhammadans; that is the reason why they have come forward to claim a separate electorate. It would be very difficult for my Hindu friends to get rid of their prejudices. There are 52 sections of the Hindus. How can they expect the Muhammadans to join with them? It is simply impossible: that is my firm conviction.

Maulvi ASIMUDDIN AHAMAD addressed the Council in Bengali, the English translation of which is as follows:—

"Sir, my intention was to say nothing in the House to-day, but the heat generated by speeches on Mr. Fazl-ul Huq's amendment compels me to open my mouth. I think that Sir Abd-ur-Rahim's motion is quite fair and it does not stand in need of any amendment. I say this both to Nalini Babu and Mr. Fazl-ul Huq. It has been said that Moslem interests would suffer without communal electorates. We have separate electorates for Moslems; what benefit have Moslems derived therefrom, may I inquire? Swarajist Moslem members of the last Council are not present in this Council which has already passed half of its life. What good have the worthy Moslem members of the present Council secured for their community? We have, again, joint electorates in Union, Local and District Boards. In Chittagong, Noakhali and Comilla districts, Moslems have captured these Boards, while in Midnapore and other Hindu districts, Hindus have captured them. Do Moslems feel any inconvenience on that account? Why then, is this fight for separate electorates in the Council? I am speaking both to Hindu and Moslem leaders. They will not work for Swaraj, they will not work for securing provincial autonomy, they will not fight against malaria, kala-azar, against famine, against illiteracy and chronic indebtedness of the tenants, but they will fight for useless communal electorates. The Moslems are greatly backward in all these things, progress in which must be attained before the country can have Swaraj. It is up to the

advanced community to pull them up for common good. As regards joint electorates, I believe that they will go a great way to abolish communal riots."

(Maulvi Asimuddin Ahamad was continuing.)

Mr. PRESIDENT: Maulvi Sahib, you can continue your speech to-morrow. I must adjourn the Council for prayer at 6-45. I think it is no use coming back after 15 minutes for only a quarter of an hour. I adjourn the Council till 3 o'clock to-morrow, the 1st August.

Adjournment.

The Council was adjourned till 3 p.m. on Wednesday, the 1st August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 1st August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 110 nominated and elected members.

Starred Questions

(to which oral answers were given).

Recruitment in the Co-operative Department from Dacca Division.

***8. Mr. SYED MD. ATIQULLAH:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries (Co-operative) be pleased to state whether it is a fact that this year no appointment in the Co-operative Department will be made from the candidates of the Dacca Division?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. R. N. Reid): (*a*) Yes.

(*b*) The percentages of Inspectors and Auditors already recruited from the Dacca Division are 46 and 53 respectively. As it is desirable that all divisions should be equally represented in the department, it has been decided to select no candidate from the Dacca Division to fill vacancies this year.

Srijut NAGENDRA NATH SEN: Does Government intend this restriction to apply to all the departments?

Mr. R. N. REID: I am unable to speak for all departments.

Mr. SYED MD. ATIQULLAH: (Question inaudible from the reporters' table.)

Mr. R. N. REID: I cannot catch the question.

Détenu Dhiren Mukharji.

***9. Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state where détenu Srijut Dhiren Mukharji is now?

(*b*) How is his health at present?

(*c*) Will the Hon'ble Member be pleased to lay on the table a copy of the latest health report of Srijut Dhiren Mukharji?

(*d*) Is the place of his internment a malarious one?

(*e*) Have the Government received any complaints regarding his present place of internment since his transfer there?

(*f*) Has Dhiren Babu made any complaints during the last two months regarding medical treatment?

(*g*) If the answer to (*f*) is in the affirmative, what are those complaints, and what action do the Government intend to take in the matter?

(*h*) Do the Government propose to release him in the near future?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government are not prepared to publish this information.

(*b*) Good, according to the last report received.

(*c*) A copy is laid on the table.

(*d*) No, it is reported to be very healthy.

(*e*) No.

(*f*) No.

(*g*) Does not arise.

(*h*) Government are not prepared to state their intentions.

Statement referred to in the reply to clause (c) of starred question No. 9 regarding the health of détenus under the Bengal Criminal Law Amendment Act for the half-year ending the 30th June, 1928.

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3. Name of the détenu—Dhirendra Chandra Mukharji.

State of health during the half-year—Good.

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Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether it is a fact that the détenu Dhirendra Mukherji has been released?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot say definitely.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to say if a détenu can be released even if the Government does not intend to do so?

Mr. PRESIDENT: I do not allow that question.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state if a detenue can be released without Government being aware of it?

The Hon'ble Mr. W. D. R. PRENTICE: Government may issue orders, but these orders must be served before they can be carried out.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state if any orders have been issued by the Government.

The Hon'ble Mr. W. D. R. PRENTICE: I must have notice of this; I do not remember.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether there are any statutory rules preventing Government servants from giving this information?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state if there are no rules prohibiting Government servants from giving this information, why has this information been withheld from the public or the members of this House.

The Hon'ble Mr. W. D. R. PRENTICE: Certain papers are kept confidential by Government, and Government reserve the right to withhold information regarding them.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir, when an Hon'ble Member says that he does not want to give information, is that answering the question?

Mr. PRESIDENT: I understood Mr. Prentice to say that it is left to his discretion as to whether he should reveal certain facts or not, and I cannot compel him to give the information asked for.

Babu JITENDRALAL BANNERJEE: It does not depend upon the Hon'ble Member's discretion; he is bound to give information according to law, and the President may compel him to do so, not physically but otherwise.

Dr. KUMUD SANKAR RAY: With reference to (*d*) may I ask the name of the healthy place where the détenu has been interned?

The Hon'ble Mr. W. D. R. PRENTICE: I am not prepared to give it.

Détenu Ajit Kumar Moitra.

***10. Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Srijut Ajit Kumar Moitra, a détenu under the Bengal Criminal Law Amendment Act, has been interned at Jaduberia, a malarious place;

(*ii*) whether the Civil Surgeon, Rajshahi, declared his case to be one of pulmonary tuberculosis; and

(*iii*) whether he was advised by the Civil Surgeon, Rajshahi, to take regular tubercular injections and to reside at some health-resort?

(*b*) Is it a fact that at the Sambhu Nath Pandit Hospital X'Ray examination of his lungs was made?

(*c*) What was the result of the X'Ray examination?

(*d*) Have the Government taken any medical advice as to whether the place, Jaduberia, would suit a tubercular patient as he is?

(*e*) Is it a fact that when he was transferred from the Rajshahi Jail to Salboni some of his articles were damaged and some were lost?

(*f*) Are the Government considering the desirability of arranging for his thorough medical treatment?

(*g*) Are the Government considering the desirability of his early release in view of the state of his health?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) He was in home domicile at Jaduberia for one month but has since been released under section 11 (*1*) (*a*), (*b*), (*c*). It is not known whether Jaduberia is specially malarious.

(*ii*) Yes.

(*iii*) He was advised in January, 1928, to get treatment in one of the Sanatoria for the treatment of tuberculosis.

(*b*) Yes in February, 1928.

(c) The X'Ray examination showed certain indefinite lesions suggesting tuberculosis though in the opinion of the Superintendent they were old and healed. There were no clinical signs of tuberculosis of the lungs nor of any tubercular bacilli in the sputum.

(d) No.

(e) No. He was never in Rajshahi Jail. No complaints have been received about the alleged loss of or damage to his articles.

(f) No. In view of the result of the examination at the Sambhu Nath Pandit Hospital, it is unnecessary.

(g) He has already been released under section 11 (1) (a), (b), (c).

Mr. JOGESH CHANDRA GUPTA: With reference to answer (i) "it is not known whether Jaduberia is specially malarious;" the Government has got a malarial expert in the person of Dr. Bentley; have they tried to find out from Dr. Bentley whether it is malarious or not?

The Hon'ble Mr. W. D. R. PRENTICE: Government have made no inquiries, and the man is at home now.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether Ajit Kumar Moitra was in the Rajshahi Hospital for some time?

The Hon'ble Mr. W. D. R. PRENTICE: He was in a hospital.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state whether any inquiry has been made about the health of the particular place, when a détenu is sent there?

The Hon'ble Mr. W. D. R. PRENTICE: When they are sent to their own homes, no inquiries are made.

Number of rent suits instituted in the Munsifs' Courts at Balurghat, Raiganj and Thakurgaon.

***11. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the years 1926, 1927 and 1928, separately the number of rent suits instituted in the Munsifs' Courts at (1) Balurghat, (2) Raiganj and (3) Thakurgaon, in the district of Dinajpur?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): A statement is laid on the table.

Statement referred to in the reply to starred question No. 11 showing the number of rent suits instituted in the Munsifs' Courts at Balurghat, Raiganj and Thakurgaon during the years 1926, 1927 and 1928.

		1926.	1927.	Upto 30th June, 1928.
Balurghat	...	3,115	3,471	3,793
Raiganj	...	2,134	2,823	2,203
Thakurgaon	...	2,403	1,998	1,882

Development of roads in Bengal.

***12. Maharaj Kumar SRIS CHANDRA NANDY:** Will the Hon'ble Minister in charge of the Department of Public Works be pleased to state—

(*i*) what steps, if any, the Government propose to take for the development of roads in Bengal; and

(*ii*) whether any scheme has been framed for the Road Development Committee?

Mr. R. N. REID: (*i*) and (*ii*) This Government are awaiting the decision and proposals of the Government of India in the matter. Meanwhile steps are being taken to collect information and prepare schemes with a view to the utilisation of the proposed Road Fund if and when it comes into being.

Babu Abala Kanta Ray of Bengal Government Press.

***13. Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that the Government Servant Conduct Rules as well as Civil Service Regulations lay down that a person convicted and sentenced in a criminal proceeding will at once be dismissed from Government service and should not be taken in at any time thereafter?

(*b*) Is it a fact that Babu Abala Kanta Ray, officiating section-holder of the Bengal Government Press, was convicted and sentenced under section 323, Indian Penal Code, in 1924?

(*c*) If the replies to clauses (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the authority under which Babu Abala Kanta Ray has been retained in service?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) No.

(*b*) and (*c*) The rest of the question does not arise.

Bengal Government Press, allegations against an overseer of.

***14. Mr. K. C. RAY CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that in January last there was a strike in the Bengal Government Press?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons thereof?

(*c*) Is it a fact that the conduct and language of Ground Floor Overseer, Mr. Anthony, brought about the said strike?

(*d*) Is it a fact that the strike was nipped in the bud by the intervention of the Press Employees' Association?

(*e*) Is it a fact that the Government received from the Honorary Secretary of the Press Employees' Association a copy of the resolutions passed at the meeting of the press workers held on 22nd December under the presidency of Mr. K. C. Ray Chaudhuri, M.L.C., Vice-President of the Press Employees' Association, which among others drew the attention of the Government to the unbecoming conduct of the said Overseer, Mr. Anthony?

(*f*) If the answer to (*c*) and (*e*) are in the affirmative, will the Hon'ble Member be pleased to state what action have been or is being taken in the matter?

The Hon'ble Mr. A. MARR: (*a*) No.

(*b*), (*c*) and (*d*) Do not arise.

(*e*) and (*f*) A reference is invited to the reply given to starred question No. 8 by Maulvi Latafat Hussain in February last.

Bengal Government Press, procedure in respect to the access to orders concerning an employee of.

***15. Mr. K. C. RAY CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that no copy of the orders made by the Government in respect of an employee of the Bengal Government Press is given to him nor is any order explained to the particular individual concerned on any occasion?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Mr. A. MARR: (*a*) An employee of the Press is invariably shown any order which is passed concerning him. If he cannot read the order, it is explained to him.

(*b*) Does not arise.

Détenus and State prisoners.

***16. Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the names of persons at present confined in jails in and outside Bengal under the Bengal Criminal Law Amendment Act and the Bengal Regulation III of 1818 respectively;

(*ii*) the names of persons in village internment in Bengal other than home domicile up to the 14th July, 1928;

(*iii*) the names of persons in home internment up to the 14th July, 1928;

(*iv*) the names of persons externed from Bengal; and

(*v*) the names of persons who have been externed and prohibited from entering into other parts of Bengal, excepting the place or district selected by Government?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) to (*v*) Government are not prepared to publish this information.

Mr. SUBHAS CHANDRA BOSE: Is it not a fact that His Excellency has given this information?

The Hon'ble Mr. W. D. R. PRENTICE: His Excellency the Governor gave no names, as far as I remember.

Détenu Jyotish Chandra Ghose.

***17. Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the place of detention of Srijut Jyotish Chandra Ghose;

(*ii*) the present state of his health;

(*iii*) the diseases he is suffering from;

(*iv*) whether Government propose to release him in consideration of the state of his health; and

(*v*) whether he will be taken to Pondicherry?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Government are not prepared to give this information.

(*ii*) Indifferent.

(*iii*) Pyorrhea, and inflammation of the testicles.

(*iv*) No; orders for home domicile have been issued.

(*v*) Does not arise.

Unstarred Questions.

(answers to which were laid on the table).

Bengal Police, certain statistics relating to.

13. Maulvi SYED NAUSHER ALI: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the present total number of assistants—(*a*) in the upper division; and (*b*) in the lower division in the office of the Inspector-General of Police;

(*ii*) the number of (*a*) Hindus, and (*b*) Moslems therein;

(*iii*) the present total number of assistants in the offices of (*a*) the Deputy Inspector-General, Criminal Investigation Department, Bengal; and (*b*) the Deputy Inspector-General, Presidency Range;

(*iv*) the number of (*a*) Hindus, and (*b*) Moslems therein;

(*v*) the present total strength of Inspectors and Sub-Inspectors employed in the Central Intelligence Branch, Bengal Police;

(*vi*) the number of (*a*) Hindus, and (*b*) Moslems therein;

(*vii*) the present total strength of Inspectors and Sub-Inspectors employed in the Bengal Criminal Investigation Department;

(*viii*) the number of (*a*) Hindus, and (*b*) Moslems therein;

(*ix*) the present total strength of officers attached to the Bengal Finger Print Bureau; and

(*x*) the number of (*a*) Hindus, and (*b*) Moslems therein?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 13 furnishing the information required.

(*i*) (*a*) 16 and (*b*) 21.

(*ii*) (*a*) Hindus 15 in the upper and 15 in the lower division and (*b*) Muhammadans 6 in the lower division and none in the upper division.

(*iii*) (*a*) 21 and (*b*) 8.

(*iv*) (*a*) Hindus 17 in the C.I.D. and 8 in the Presidency Range Office and (*b*) Muhammadans 4 in the C.I.D. and none in the Presidency Range Office.

(*v*) 54.

(*vi*) (*a*) 50 and (*b*) 4.

(*vii*) 61.

(*viii*) (*a*) 54 and (*b*) 7.

(*ix*) 21.

(*x*) (*a*) 18 and (*b*) 3.

Director, Civil Veterinary Department, and Principal, Bengal Veterinary College.

14. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether the Director, Civil Veterinary Department, Bengal, or the Principal, Bengal Veterinary College, carried out any research work on veterinary matters during the tenure of their services in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, what are the results?

(*c*) If no research work was done, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) No research work in the full sense of the term has been carried out by these officers.

(*b*) Does not arise.

(*c*) The reason is that the duties of the Director, Civil Veterinary Department, are administrative and fully occupy his time; those of the Principal, Bengal Veterinary College, comprise both teaching and administration and also fully occupy his time.

Proposed Indian Universities (Amendment) Bill.

15. Mr. S. C. BOSE: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is the intention of the Government to introduce a Bill for amending the Indian Universities Act, 1904?

(*b*) If so, when do the Government propose to introduce such a Bill?

(*c*) Is such a Bill in course of preparation?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) Yes.

(*b*) Government hope to introduce a Bill at an early date.

(*c*) Yes.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state what he means by "at an early date"?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: When the Bill will be ready.

Mr. S. C. BOSE: When will the Bill be ready?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: About the beginning of next year.

Veterinary Assistant Surgeons.

16. Babu SARAL KUMAR DUTT: (*a*) Is the Hon'ble Minister in charge of the Department of Agriculture and Industries aware that in answer to unstarred question No. 19 of the 23rd August, 1927, the then Minister assured the members of this Council that the revision of the pay of the Veterinary Assistant Surgeons was under consideration?

(*b*) If so, will the Hon'ble Minister be pleased to mention the time limit of finally coming to a decision in the matter?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) Yes.

(*b*) No time limit can be fixed.

Compounders of jail hospitals.

17. Babu SARAL KUMAR DUTT: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that the members of the last Jail Inquiry Committee did not consider the case of the compounders of the jail hospitals with regard to the pay and prospect of the service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to consider their case?

MEMBER in charge of DEPARTMENT of REVENUE (JAILS) (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes. It was not included in the terms of reference.

(*b*) No. The pay of compounders was raised from Rs. 20—1—30 to Rs. 30—1—40 in 1924. They also draw a compensatory allowance of Rs. 5 per month. The rate of pay and allowance is in accordance with the recommendation of the Indian Jails Committee.

Alleged "blanketing" and "bludgeoning" in certain jails.

18. Mr. F. E. JAMES: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether an inquiry was made into the charges of "blanketing" and "bludgeoning" in certain jails made by Mr. Jitendralal Bannerjee in the Legislative Council on March 17th, 1928, during the budget discussion?

(*b*) If so, what has been the result of the inquiry?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) In reply to an inquiry made by the Inspector-General of Prisons, Mr. Jitendralal Bannerjee wrote that the particulars furnished by his informant were so meagre that he would not be justified in placing them before the Inspector-General. No further enquiry has been made.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Member be pleased to state whether Mr. Jitendralal Bannerjee wrote to him subsequent to the 27th of July?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, it is a fact, and as soon as that letter was received, inquiries were directed to be made.

Kaviraji, Hakimi and Homeopathy education.

19. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state what has happened to the committee appointed by the late Sir Surendra Nath Banerjea, the then Minister, to consider and report about State recognition of Kaviraji, Hakimi and Homeopathy education?

(*b*) Has the report been completed?

(*c*) If not, is it proposed to appoint another committee to complete the work?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) and (*b*) Two committees were appointed by Government —one to consider and to make recommendations in regard to the system of Ayurvedic medicine and the other in regard to the Tibbi or Unani systems. Both committees submitted their reports in due course. The recommendations of the Tibbi Committee were considered impracticable in the year 1925, and Government then decided not to take any action. The report of the Ayurvedic Committee is still under the consideration of Government. No committee was appointed to consider the system of Homeopathic medicine.

(*c*) Does not arise.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Government will publish the reports of these two committees, one Ayurvedic and the other Tibbi?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): Not at present, anyhow.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state when the Tibbi Committee made their final recommendations?

Mr. J. C. DRUMMOND: I cannot say definitely, about 3 years ago, I think.

Srijut NAGENDRA NATH SEN: At what stage does the report of the Ayurvedic Committee stand; has it been considered by Government?

Mr. J. C. DRUMMOND: I cannot add anything to the answer already given.

Rai HARENDRANATH CHAUDHURI: How long has it been under consideration?

Mr. J. C. DRUMMOND: About 3 years, I cannot say definitely.

Mr. SUBHAS CHANDRA BOSE: May we not have a reply from the Hon'ble Minister?

Co-operative Department.

20. Khan Sahib ABDUS SATTAR: (*a*) Is the Hon'ble Minister in charge of the Department of Agriculture and Industries aware that five years' service of the officers of the Co-operative Department has been deducted in counting their increment in the revised scale of salary?

(*b*) Is the Hon'ble Minister aware that owing to the above deduction the Co-operative officers of five years' standing and over are working under a feeling of discontent owing to the fact that they are placed in a probationary or lower grade and not in the grade they are entitled to according to the length of their service, and that in consequence none of them can reach the maximum salary at the time of retirement?

(*c*) Is the Hon'ble Minister aware that the Registrar of Co-operative Societies, Bengal, in his Annual Report for the year ending 30th June, 1926, reported that five years' deduction has taken away much of the value of the long delayed concession, and that it caused serious discontent amongst officers whose lots are compared with that of their confrères of other provinces where no deduction of service has been made, and, on the other hand, they were given higher pay and compensation for the delay?

(*d*) Will the Hon'ble Minister be pleased to state whether such five years' deduction of service in counting increment has been made in regard to officers of any other service, *i.e.*, Agriculture, Excise, Veterinary, Executive, Judicial, etc., excepting the temporary ministerial staff of the Public Works Department?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state why such deduction of five years' service has been made of the officers of the Co-operative Department?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) Yes. But the position was that these were all temporary officers previously, and when they were given permanent status and placed on incremental scales of pay, they were permitted to count towards increment their temporary services less five years.

(*b*) Certain officers of the department submitted memorials on the subject in 1926. The matter has not since been brought to the notice of the Government.

(*c*) Yes.

(*d*) No. But as regards the services referred to, it was a case of revising the pay of services already permanent, not of bringing temporary employees on to a permanent scale; and different rules govern the two cases.

(*e*) These officers were all in temporary service. Under the rules temporary service does not count towards increment. To allow their temporary service less 5 years to count was a concession. In any case all these officers obtained a substantial increase of pay and also the advantage of being placed in permanent service combined with either pension or provident fund.

Assistant Registrars of the Co-operative Department.

21. Khan Sahib ABDUS SATTAR: (*a*) Is the Hon'ble Minister in charge of the Department of Agriculture and Industries aware that divisional auditors of the Co-operative Department are allowed to act as Assistant Registrars in temporary vacancies?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing how many departmental officers have officiated as Assistant Registrars and for what periods?

(*c*) Is the Hon'ble Minister aware that in the provinces of the Punjab, Bombay, Madras and Burma a self-contained service in the Co-operative Department has been created for the sake of economy and efficiency?

(*d*) Is it a fact that the Government have recognised that the policy of closed service is calculated to secure economy and efficiency in departments like the Income Tax, Excise, Agriculture and Veterinary, etc.?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that there is a departure from the said policy in the Co-operative Department as the higher posts of Assistant Registrars are still manned by the officers of the Provincial Civil Service?

(*f*) Have the Bengal Government already taken up the question of making the Co-operative Department a self-contained one?

(*g*) If so, will the Hon'ble Minister be pleased to place on the table all correspondence with regard to the same?

(*h*) Will the Hon'ble Minister be pleased to state whether it is a fact that the post of the Registrar has been made a closed one so far as the present incumbent is concerned?

(*i*) Will the Hon'ble Minister be pleased to state whether it is a fact that the policy of adoption of the closed service depends on the successful work of one of the divisional auditors now placed as Assistant Registrar?

(*j*) If the answer to (*i*) is in the affirmative, are the Government considering the desirability of allowing more officers to officiate as Assistant Registrars before coming to any decision on this?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*) It is understood that the provinces referred to have such a service.

(*d*) There is nothing to indicate that the policy of closed service has not secured economy and efficiency.

(*e*) It is a fact that all, except one of the posts of Assistant Registrar, are manned by officers of the Provincial Civil Service, but it is not a fact that conditions in the Co-operative Department are precisely similar to those in the other services named.

(*f*) The question has been considered.

(*g*) Government are not prepared to place the papers on the table.

(*h*) The question is not understood.

(*i*) No.

(*j*) Does not arise.

Statement referred to in the reply to clause (b) of unstarred question No. 21 showing the number of departmental officers who officiated as Assistant Registrars of Co-operative Societies and their periods.

Name of officers.	Period.	
	From—	To—
1. Babu Muralidhar Das, ..	23-4-1920	25-9-1920
Chief Auditor	16-5-1925	26-6-1925
	17-12-1926	6-4-1927
	3-5-1927	5-8-1927
2. Babu Upendra Nath Sen, ..	3-6-1922	25-7-1922
Divisional Auditor	7-1-1923	21-1-1924
	12-10-1927	22-10-1927
	17-5-1924	1-7-1924
3. Babu Bata Krishna Das,	11-5-1927	7-6-1927
Divisional Auditor	6-8-1927	30-6-1928
	1-7-1928 to	present date.

Khan Sahib ABDUS SATTAR: With reference to (*f*) that the question has been considered, will the Hon'ble Minister be pleased to state what decision has been arrived at, after such consideration?

Mr. R. N. REID: It has been decided not to constitute a self-contained department, but one post is being thrown open to subordinate officers of the department.

Number of Co-operative Societies under one Assistant Registrar.

22. Khan Sahib ABDUS SATTAR: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the total number of Co-operative Societies in Bengal on the 30th June, 1928; and

(*ii*) the number of Assistant Registrars in the Co-operative Department?

(*b*) Is the Hon'ble Minister aware that the Maclagan Committee on Co-operation have recommended the appointment of one Assistant Registrar for every 1,000 societies?

(*c*) Is the Hon'ble Minister also aware that this recommendation has been given effect to in Bihar as well as in the Punjab?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to give effect to that recommendation in Bengal?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) (*i*) 18,048.

(*ii*) 5.

(*b*) Yes.

(*c*) Government have no information on the subject.

(*d*) No such proposals are at present before Government.

Announcement regarding the alterations of Government Business.

Mr. PRESIDENT: I have to announce that under the orders of His Excellency, the following alterations have been made in the order of Government business: Items 18, 19 and 20—Demands for grants—will be taken up before item 5. The following are the times allotted for their disposal:—

25.—Jails and Convict Settlements	¾ hour.
26.—Police	2 hours.
43.—Famine Relief and Insurance	½ hour.

The first item of business will be the demands for grants.

Motions regarding constitutional reforms.

Maulvi ASIMUDDIN AHAMAD addressed the Council in Bengali, the English translation of which is as follows:—

"Sir, I think Sir Abd-ur-Rahim's resolution is quite fair. It has no reference to communalism and it only provides that minority interests should be safeguarded. In these circumstances the amendments of both Mr. Fazl-ul Huq and Babu Naliniranjan Sirker appear to be unnecessary and discussion on them have merely been a waste of our valuable time and energy. I request both of them to withdraw their amendments. Separate and joint electorates are not new topics. The last Congress presided over by Dr. Ansari unanimously passed a resolution in favour of joint electorates. The All-India Moslem League also passed a similar resolution with reservation of seats. My friend Maulvi Tamizuddin Khan says that only three or four members opposed that resolution. The entire Bengali Press supports mixed electorate. It also appears to me that mixed electorates offer the only solution for Hindu-Moslem difference. There are some who give expression to the opinion that mixed electorates should not wait till Hindu-Moslem unity is achieved. This is absurd. If we insist on having separate electorates mutual trust will never be established. My friend Maulvi Nurul Huq Chaudhuri has said, 'Charity begins at home.' But this is not a question which concerns only one party— it depends for its solution on the co-operation of the two communities. We shall not join the Congress because it is a replica of the Hindu Mahasabha, nor the Khilafat Committee because it is the non-co-operator's stronghold, nor the Moslem League because it is not representative. What is it, then, that we shall do? It is open to us to make the same efforts through our Jamiat-ul-Ulema and Tanjeem which Hindus make through Sangathan and Suddhi branches of the Hindu Mahasabha. Mutual trust cannot be engendered if the two communities stand on two opposite banks of the river and cry that they will not meet until there is mutual trust. Joint efforts of both the communities are necessary for the uplift of the poor Moslems. We should take up constructive work through our existing organisations, and if these latter are found not to be good enough for our purpose, let us start new organisations. Let us start an organisation, a 'Hindu-Moslem Mahasabha' with a new constitution and push on our nationalistic efforts through it. Mere speeches in the Council will not help us. Promotion of national or communal interest does not depend on the good-will of others, it must be secured by fighting. We have had the experience of separate electorates for a long time, let us see what joint electorates bring us. On these grounds I oppose Mr. Fazl-ul Huq's amendment and support the original resolution of Sir Abd-ur-Rahim."

Maulvi ABDUL KARIM: I had no mind to take part in the discussion of this controversial matter. In fact it is such a complicated question and there is so much to be said for and against it, that I feel great hesitation in saying anything about it. Lest, however, my silence should be misconstrued I think it desirable to say a few words. It is very much to be regretted that so much heat and passion were introduced in yesterday's discussion. I wish the speech of my friend Maulvi Abul Kasem was much less provocative and that of Maulvi Nausher Ali less impassioned. I am afraid they were carried away by their youthful impulse. My friend and pupil Abul Kasem is not so old as he appears to be and his grey hairs are not indicative of his age.....

Dr. BIDHAN CHANDRA ROY: Is he a youth? He looks old but appearances are deceptive.

Maulvi ABDUL KARIM: I think, however there was a good deal of truth in what he said and there was an equal amount of truth in what Maulvi Nausher Ali said. Believe me when I say that it is not possible to arrive at any satisfactory solution by such heated and desultory discussion in an atmosphere that unfortunately prevails in this House. I believe it is by heart-to-heart talks that the matter can be dispassionately discussed and satisfactorily decided. I had occasion to have such a talk with one of the greatest men of modern Bengal, to which I shall presently refer. Before touching on the few points which I propose to discuss I should like to state it as my honest opinion that the separate electorate has not proved as advantageous to the community, as far as Bengal is concerned, as it was expected to prove and it has not brought to the Council, with few honourable exceptions, the right type of men it was expected to bring. On the other hand I have reason to believe that mixed electorates will not prove a sure panacea for all the ills, real and imaginary, which seem to have been troubling some of my friends. On the contrary, it might create a situation that might be intolerable to the parties concerned for reasons to which I shall refer later on.

Let us see how the question of separate electorates arose. As it is well known the Mussalmans did not take to English education as early as they should have done and when other communities did. The result was they did not take much interest in public affairs and did not seek election to public bodies such as municipalities and district boards when these were first created. When these were filled up with non-Mussalmans they found to their cost that their special interests were not properly looked after. The same thing happened when some seats in the Legislative Councils were thrown open to election by public bodies. By this time a fair number of Mussalmans had received English education and they tried to enter the Councils. Some of our best men, such as the late Sir Shams-ul Huda, were set up as candidates, but they were not

returned. The only instance of election to which reference was made yesterday was that of Maulvi, afterwards Nawab, Serajul Islam. Those who are aware how this came about, know that but for the particular interest taken and exertions made by the late Messrs. Surendra Nath Banerjea, A. M. Bose and Jatramohon Sen, the father of Mr. Sen Gupta, even this single instance of election of a Mussalman from a common electorate could not have been cited. When the community found that there was hardly any chance of election of their representatives to the Councils from common electorates they sent a deputation to Lord Minto shortly before the introduction of the Morley-Minto Reforms. The deputation succeeded in convincing the Viceroy of the necessity of separate electorate for the Mussalmans and it was granted. Then came the Montagu-Chelmsford Reforms. Mr. Montagu coming as he did from the atmosphere of England, could not fully realise the necessity for separate electorate for any community and was anxious to do away with it. When I led the Surma-Valley deputation I had a talk with him on the subject. He pointed out that the Roman Catholics and the English Jews who professed different faiths had no objection to a common electorate with the English protestants. So religion could be no obstacle in the way of a common electorate. It was pointed out in reply that the case was different in India. It was not merely religion but traditions, culture, manners, customs, and, in some cases, even language and literature, that divided the different races and communities inhabiting India. Those who have read through the Montford scheme of Reforms know that it was with much reluctance that Mr. Montagu agreed to continue separate electorate as a temporary measure.

3-30 p.m.

Then came the Bengal pact. One of the gentlemen who attended the conference at which the draft of the pact was drawn up is present in this House. I refer to my friend Mr. Bejoy Krishna Bose. I am not quite certain that he was present when the electorate question was discussed. It was a court day, if I remember right, and he was anxious to leave early. When the late Mr. C. R. Das, at whose house the conference was held, failed to convince me and Maulvi Nasim Ali that the best interests of the country would be served by abolition of the separate electorate, he immediately sent his car to bring Maulana Abul Kalam Azad. The Maulana used all his persuasive eloquence in favour of a common electorate but it was of no avail. He then proposed, as an experimental measure, a common electorate for a period of only five years, to be done away with if not proved satisfactory. This could not be accepted. The result of our deliberations was the retention of the separate electorate in the pact. It was thus drawn up: "It is resolved that in order to establish a real foundation of Self-Government in this province it is necessary to bring about a pact between the Hindus and

the Muhammadans of Bengal dealing with the rights of each community when the foundation of Self-Government is secured" and further: "Be it resolved that representation in the Bengal Legislative Council be on the population basis with separate electorates." This document bears the signature of my young friend Mr. Subhas Chandra Bose. Reference was made yesterday to the last session of the All-India Muslim League at Calcutta in which I had to take a prominent part. When it was decided in the subjects committee that a resolution for a mixed electorate was to be moved I pointed out to Mr. Jinnah the difficulty of my position. Whatever I might think personally there was no doubt that the community as a whole wanted special safeguards regarding election. After consultation I drafted an amendment as follows:—

"A certain percentage (say 50 per cent.) of the votes secured by a Mussalman candidate for election to a Legislative Council shall be votes recorded by Mussalman electors in the constituency."

When this amendment was to have been moved in the open session of the League, Mr. Jinnah and Mr. Yaqub, the president, drew my attention to the temper of the house at the time and desired me not to strike a jarring note while harmony prevailed, but assured me that this would be taken into due consideration when the matter would be finally decided. As the resolution was so modified as to avert any chance of the matter being finally decided for some time to come, I did not insist upon moving my amendment.

Now let us consider what the Mussalmans want. They want nothing more than *adequate* and *effective* representation. As stated by my colleague to my right there is no charm in the terms "separate electorate" of which the Mussalmans are enamoured, and as pointed out by Maulvi Abul Kasem, separate electorate is recognised as an evil, though an unavoidable evil in the present state of things in the country. Can it be honestly said that the situation has materially changed since the Montford scheme was introduced or the Bengal pact was drawn up? Has the mentality of any of the two communities changed in the desired direction? If not, the time has not yet come for the desired change. How can the Mussalmans have adequate and effective representation? Adequate representation may be secured by reservation of seats and effective representation by the return of true representatives of the community. It is but natural that one cannot command the confidence of one's community if returned merely or mainly by votes of another community. A safeguard like what I have referred to might minimise the difficulty to a great extent.

My friend Mr. Bejoy Krishna Bose referred to the Donoughmore constitution for Ceylon. If that is introduced here the bottom would be knocked out of the opposition against mixed electorate in Bengal, if not in India. Along with the abolition of separate electorate it has been

proposed to introduce universal man suffrage. In Bengal, where the Mussalmans preponderate, they can have no reasonable excuse for demanding separate electorate if universal suffrage is introduced. They will have to blame themselves if they fail to assert themselves. At present the qualifications for franchise do not permit of a sufficiently large number of Mussalmans being included in the electoral rolls of different constituencies.

I shall conclude by referring to one incident that took place at a District Board election. An influential Hindu zamindar and a Mussalman of moderate means stood for election. Most of the electors being Mussalman tenants of the Hindu zamindar he was sure to be returned and his rival saw he had no chance of success. What he did was this. He procured the services of a common Maulvi who was held in esteem by the Mussalmans of the locality. He went to the polling station and when the voters assembled he addressed them thus:

"ভাই মোমেনরা তোমরা মনে রাখিও আজ যে মোমেনকে ভোট দিবে সে কেয়ামতের দিন মোমেনদের সঙ্গে উঠিবে আর যে কাফেরকে ভোট দিবে সে কাফেরদের সঙ্গে উঠিবে।"

Saying this, the Maulvi went away. The result was if the Hindu zamindar got 5 votes his Mussalman rival got fifty times five and all these were votes of the tenants of his rival. This is what will happen in many cases. I shall not be at all surprised if in Eastern and Northern Bengal the Hindus were to be anxious one day for the protection of their minority interests. The Mussalmans of Bengal, as people all the world over, are getting self-conscious. They are not likely to take things lying down as they did in the past. They are sure to assert themselves. If there be no amicable settlement the worst passions will be appealed to and this certainly will not make for peace and order in the country. As pointed out by Sir Abd-ur-Rahim, in these days when there is a loud cry for self-determination it would be well to permit the Mussalmans to settle their own affairs without undue interference. If anything is forced upon them against their wishes the result might be disastrous. This is an aspect of the question that the Government would do well to ponder over. I hope and trust good sense would prevail and the matter would be seriously reconsidered by all concerned in the light of the discussion in this House. I should not omit to mention in this connection that I have noticed with much satisfaction the earnest efforts that are being made by my young friend Mr. Subhas Chandra Bose and others of his way of thinking, to bring about a relation of amity and cordiality between the two communities. If these efforts prove successful and mutual trust and confidence are restored, questions such as the one under discussion would get automatically solved. The Hindus and Mussalmans have to live together and die together in this the land of their birth and they cannot afford to constantly quarrel over any matter without seriously damaging their vital interests.

Babu MANMATHA NATH ROY: I cannot record my silent vote when I see around me a very regrettable and fortunate communal wave. It is not correct to say that there is no amity between the Hindus and the Moslems. Look at the state of things in the villages. I come from the rural part of the district of Howrah and I can say with confidence that there the Hindus and Moslems live in amity: they have their mutual sympathies. It may be to the interest of the leaders to keep the communal fire burning, but they are most unpatriotic not only to the whole country, but also to their own community. Sir Abd-ur-Rahim asked yesterday, why should not the Moslems have the sole right to choose their own representatives? The simple answer is that it would be a blunder to ignore that both the Hindus and Moslems have ultimately the same interest and they must ultimately stand or fall together. It may be to the interests of the leaders themselves to fan the communal fire, but we are not concerned with their interests. It is the interests of the dumb suffering millions in the villages—whether Hindus or Moslems—that really count and with which we are most concerned. The leaders by striving to keep the two communities apart may do good to their own selves, but they are misleading, and doing incalculable mischief to these suffering millions, who will continue to drag on their miserable and mournful existence so long as the two communities are kept apart and do not unite and make it a common cause to improve their lot.

[3-45 p.m.]

Maulvi TAMIZUDDIN KHAN: Yesterday and even to-day we have heard some starling speeches containing startling arguments against the system of communal electorates prevailing in this country. We have found new ideas of nationalism with new theories propounded and I think it is necessary to examine how far these new theories are consonant with present day politics and facts. But before I do that, I want to say a few words about the old arguments against separate electorates and about nationalism. From the speech of Dr. J. M. Das Gupta delivered yesterday and that of Babu Manmatha Nath Roy, to-day, it appears that there is no communal feeling in the country and that we are a living in a land where there is nothing but universal love and brotherhood. They may indulge in those delusions but I should request them not to try to translate the conclusions which they draw in their delusions to the field of practical politics. If communalism is dead, then how is it that they do not ignore the burning question of music before mosque? Do they ignore the lessons which one cannot but draw from the riots which we have all seen in Calcutta, Dacca, Pabna, Comilla, and where not? Do they not see before their own eyes that the Satyagraha movement is going on at Patuakhali with purposes best known to them? Can they say in the face of all these facts that there is no communalism in the land? Of course when they are under the

delusion that there is no communalism—they are quite justified in saying that there should be no separate electorates. But as we see that there is communalism, my question is— will it be safe for Muhammadans and also safe for nationalism to do away with the communal electorates at the present juncture? But before I pass on I would like to mention another matter which was referred to by Dr. J. M. Das Gupta. He gave us a fine example of non-communal spirit prevailing in the famine-stricken areas. He said he saw a fine spectacle of Muhammadan and Hindu workers distributing doles to sufferers irrespective of caste and creed. This may be news to Dr. Das Gupta. But I for one never thought that communalism could ever dive so low as to permeate humanitarian activities like distributing doles to sufferers. These sufferers have been reduced to such a state that they can hardly be given the name of human beings, and in such a state they cannot but rouse human sympathy in human hearts. There is no scope for communalism in fields like this. The new consciousness which has led Muhammadans to demand their proper rights and privileges has aroused a feeling of jealousy in communities which have so long been the sole monopolists in the field. Had there been no such consciousness in the Muhammadan community, I am sure there would have been no communalism in the land. Therefore it is no use distorting the lessons of the famine for clouding the grave political issue with which we are faced. I return to my question whether it is safe for us to do away with the system. To my mind communal electorates are best suited to meet the communal feelings prevailing amongst the different communities. Under such a system they cannot scramble for seats in the field of election, and as such there is very little chance of the two communities coming together in clash. I submit it will be nothing but an open invitation to fight if you abolish communal electorates today, which will lead to an unseemly scramble for seats and we can easily see what the result will be. Look at the field of election in respect of union and local boards. There the electorates are joint and one cannot fail to see that even in the remotest villages communalism is running high simply because the contending communities are trying to gain as many seats as possible. Such will be the case also in the elections of the Council, if communal electorates are done away with. It must be admitted that there is no charm in communal electorates as stated by Khan Bahadur Maqbul Husain yesterday. Communal electorate is not an end in itself but it is absolutely necessary under present circumstances.

A few words about Maulvi Nausher Ali. His proposition was that no one has any right to impose upon the electorates a mandate that they are to return only Muhammadans or only Hindus. Even our Swarajist friends do not advance such an argument, because they admit that at the present juncture the best thing is to have mixed electorates with reservation of seats. My friend

does not even want any reservation of seats. However, even if there is reservation of seats, I have already shown what the result will be. I admit that the next best thing to communal electorates will be mixed electorates with reservation of seats. But that does not seem to me to be at all expedient under existing conditions because every one knows that the Muhammadan community is economically weak at the present day, and therefore, if there are mixed electorates even with reservation of seats, the interests of the Muhammadan community will not be properly safeguarded and their true representatives will have very little chance of being elected. From all points of view it would be very very unwise to give up communal electorates at the present juncture. Even from the national point of view I hope my Swarajist friends will think over the matter very carefully. Even for the sake of nationalism they should not insist upon the abolition of separate electorates to-day. Muhammadan opinion on this question is almost unanimous in Bengal. If the Swarajists defeat the Muslim minority in this Council on this vital issue by sheer force of numbers that will be a sad commentary on their advocacy for the abolition of communal electorates. It is this oppression of the strong that the Muhammadans are afraid of, and it is this apprehension that makes them take shelter under communal electorates. I hope our Swarajist friends will not be lacking in political sense so as to make an exhibition of that oppression in this Council by voting down the amendment of Mr. Fazl-ul Huq which has almost the unanimous support of the Muhammadan members of this House.

Dr. BIDHAN CHANDRA ROY: My friend, Mr. Fazl-ul Huq possesses a dual, if not a multiple personality. It was at his own house, in the course of a conversation that he told me that he had advised his Moslem friends not to press for a separate electorate and not to ask for reservation of seats, because he said that if his advice was accepted it would mean that the Muhammadans would come in a preponderant majority to the Council. If I remember aright he gave an instance of his own district, Barisal, where inspite of the fact that one of the Hindu members of the District Board was a capable person, he could not get the Chairmanship of the Board, because the Muhammadans were in a huge majority. Therefore his moving a motion of this character in this Council must be taken as an indication of the fact that he changes his personality according to the situation and circumstances surrounding him. A lot of controversial and out-of-the-way materials have been brought into the discussion which ought to have been discussed on a higher level than it has been in this Council. Sir Abd-ur-Rahim has put forward two arguments for his advocacy of separate electorates. He said that a separate electorate does not operate against national development. I take it, Sir, his expression "separate" in connection with the

amendment before us means "communal electorate" and it is to this proposition that I wish to address myself in the first instance. His second point was that, as the Congress people were anxious to ask for self-determination, they ought also to allow the Muhammadans to determine for themselves what form of electorate they should have. It has been put forward as an argument before the members of this Council and it is a fact, that out of the 26 districts of Bengal, 18 or 19 have a preponderance of Muhammadans. Therefore, it is also a fact that in the Eastern Bengal districts the Hindu voters are in a minority to a very large extent. (Cries of question, question.) If my friend, Mr. Fazl-ul Huq will kindly read the records, he will see that my statement is absolutely correct. I think he has not done so. I have gone very carefully into the census figures with regard to the districts and I repeat again that it is a fact; and the Hindu members of the Congress party feel that in the Eastern Bengal districts if no communal representation is given, the Hindu population may be at a disadvantage and yet the Congress still maintain that there should be no communal electorate. I have the authority of my friend on my left to say that they agreed to the reservation of seats in the joint conference merely as a matter of compromise. Why did the Congress not agree to this proposal of communal electorate? A man of Sir Abd-ur-Rahim's intelligence, I feel, should at once see that a community is always a smaller subject than the nation itself and the moment you make communal interest paramount, to that extent you reduce your nation as a whole. The larger the number of communities that put forward their own claims so far as their own communities are concerned, the nation as a whole is reduced in strength.

(4 p.m.)

Therefore the first question is, if I may say so, the question of arithmetic. If each community were to put forward its own interests as of more importance than that of the nation, the interests of the nation as a whole would suffer, but the matter cannot rest there. What would happen next? Not only the nation as a whole would suffer but each individual community in order to maintain its integrity would have to take help from other communities and to come to a compromise with those communities on certain questions. If these communities have to depend upon, let us say, Government votes, for a particular matter, to that extent it is a weak spot in that community. If the Hindus of Eastern Bengal have to depend upon Government nomination in order to maintain their integrity in Eastern Bengal, I say the Hindus of Eastern Bengal will lose in strength.

There is a third point which we cannot overlook and that is that when we come here as representatives—after all we are considering at the present moment the question of representation in the Council—we come

here to represent the difficulties, the weaknesses and the wants of the people whom we represent. The majority of the people living in villages are afflicted by economic conditions, by bad health and hygiene and difficulties with regard to education. Sir, I have yet to learn that where the question of disease is concerned, a mosquito will choose a Christian or a Muhammadan to infect him with malaria. I have yet to learn that when a disease is to be carried from one village to another, it will affect only the Hindu villages and not Muhammadan ones. Therefore, whenever a question comes up before this Council we have got to consider it in terms of the needs of the people whom we represent and in so far as the needs of the villagers—for they form the bulk of the population of this province—are not communal, our representation here on a communal basis will suffer from the point of view of nationality.

The other proposition put forward by Sir Abd-ur-Rahim is the question of self-determination. A person of his sobriety of judgment and intelligence will at once observe that the word "self" in that expression is used with a distinct connotation, because if "self" is taken to apply to a community, what would prevent a person within a community to say that their party in that community also should have its self-determination? If you go on from one step to the other, the word "self" will finally end by meaning an individual and if you want to press this question of self-determination from that point of view, I say no party system can develop and no national evolution can take place. When the word "self-determination" was used by our national leaders I take it it was used to mean self-determination for the nation as a whole as against outside interests or the interests of outsiders.

This takes me on to the last point urged by Sir Abd-ur-Rahim on the members of this Council. It is perfectly true that Hindus and Muhammadans should come together for some settlement or other. It is perfectly true that we cannot drown all the Muhammadans in the river Hooghly nor can the Muhammadans convert the Hindus in the course of the next century. It is perfectly true that our interests are almost identical in the greater part of our lives' activities, but the question is where is the scene on which such arrangements and such compromises should be made. Mr. Abdul Karim has indicated more by suggestion than by actual words that such arrangements, such compromises should always be made outside the legislature, because we come here with a specific purpose on specific duties; but if there is any arrangement to be made it should be made in a spirit of give-and-take outside the legislature. That is a point of view which the Congress has always taken and that was the point of view which led the late Mr. C. R. Das to come to an arrangement with the Muhammadans in the year 1923.

My last point is that we cannot consider the question of a separate electorate unless we know what the electorate is to be. Mr. Abdul Karim

has already suggested that if there was adult suffrage in the province, probably the question would assume a different form and I am inclined to agree with him there. Therefore the question of details with regard to representation in the legislatures can only come in when we have decided as to the suffrage which we intend to give to the people of this province. Therefore, inspite of the fact that we are hereby charged by both Hindus and Muhammadans with betraying both the communities inspite of the charge levelled against Congress men that they do not look to the interests of the Hindus in Eastern Bengal nor to those of Muhammadans in Western Bengal, we still stick to our original proposal that the legislature is not the place where we can discuss the subject of communal electorates.)

Mr. JOGESH CHANDRA GUPTA: The first thing that I should like to mention for the consideration of the mover of this amendment is this, only the other day my friend, Mr. Fazl-ul Huq said that he did not blame the Swarajist members on this side of the House but he thought that the Muhammadans could not work together with their Hindu colleagues because of the activities of the Hindu Mahasabha. If the hon'ble mover is very sincere in his belief that it is the activities of the Hindu Mahasabha that stand in the way of joint action I say that he should at once agree to the proposal of a joint electorate which would remove the necessity and justification for the establishment of any Hindu Mahasabha. If a joint electorate is agreed upon then the grievances of the learned mover of this amendment will at once be removed, because in the system of joint electorate there will be no room for communal institutions like the Hindu Mahasabha or the Anjuman on behalf of Mussalmans. I would also remind the learned mover of the amendment of the very thoughtful speech that was delivered by the President of the Faridpur Conference of which my friend, Mr. Tamizuddin Khan, was Secretary. Therein, if I remember aright, it was pointed out that if the real intention of the Anjumans and other Muhammadan institutions is to serve Muhammadan interests and their social welfare alone, then they were giving a limited scope to such institutions. I say that separate Muhammadan institutions and separate Hindu institutions which work in antagonism and not in harmony with the mutual interests will cease to exist only if communal electorate comes to an end.

The next thing that I would beg of my Muhammadan friends to consider is this: Are we not giving too much importance to the chance of ourselves being returned at the elections than to the real interests of both communities? When we are talking that it is very difficult for a Hindu to be returned where voters in that locality are mostly Muhammadan or when we are talking that in the Burdwan and Presidency Divisions it is very difficult for a Muhammadan to be returned, are we not

really limiting the issue within a very narrow circle—I mean the chances of the return of this or that candidate? I do not know why the chances of a Hindu, who has not got any communal feeling in him, who is prepared to take a pro-Muhammadan view, would be small in a joint electorate, and in the same way if a Muhammadan is not communal or limited in his outlook, if he looks after the interests of the entire Hindu and Mussalman communities, why should there be a less chance for such a gentleman to be returned? We are sick of hearing at the time of elections that a Muhammadan says: Oh, I am entirely for looking after the interests of Muhammadans, and a Hindu going to his electorate say: I shall look after Hindu interests only. I say they are false to themselves and to their electorates, because in the questions that come up here, whether it be sanitation, education or other important matters, can we separate Muhammadan interests from Hindu interests? Can a Hindu honestly say that when he promises to his electorate that he will only look after Hindu interests, he is doing his duty to his country and by his conscience? Similarly, can a Muhammadan honestly say that? Therefore we want to remove such false ideas.

In the next place have we not always seen that riots and differences amongst us can only be possible if there are separate electorates. A Hindu or a Muhammadan leader will think twice before he becomes a partisan in a communal riot or quarrel, for he knows that when he faces his constituency he will have to face both Hindus and Muhammadans together. These are facts which require no argument, no persuasion to convince one of their truth. But when this is overlooked it pains one to think that we are placing the community above the nation. We are placing the interests of the whole nation on a lower plane than it ought to be given by every patriotic Indian nationalist.

We are told that the one great difficulty in our constitutional development and progress is that we cannot unite together and there is no solution of the Hindu-Moslem question. I fail to see that there is any difficulty with regard to this question. Go to the villages where you will find Hindus and Moslems living side by side, Hindu tenants and Muhammadan tenants living peacefully and working in amity and there is absolutely no trouble unless trouble is created by sending agents at the time of elections with the cry "Hindus for Hindus and Muhammadans for Muhammadans." I beseech and earnestly request my friends on the other side not to insist on such a thing as communal electorate.

In order to obviate apprehensions about adequate Moslem representation the Hindus have been willing to reserve a certain number of seats for the Muhammadans, so that no difficulty on that score may arise. As the deputy leader of the Congress party has pointed out, there is a clamour from the Hindus of Eastern Bengal that in the local bodies there ought to be separate representation. We have always said "do

not commit that mistake, do not be unpatriotic, do not press the thing which will never take you nearer to the Indian interests." I tell you we have very great difficulty, in fact those Hindu gentlemen who are aspirants for seats in local bodies in Eastern Bengal districts always say that the Congress is really sacrificing Hindu interests for an ideal. We have to live up to an ideal; we know the difficulties and their chances of success, but we cannot sacrifice national interests for such consideration. Before I sit down, I shall again appeal to the mover of this amendment to withdraw his amendment, especially because he felt and he spoke so feelingly about the activities of the Hindu Mahasabha; if on that and no other ground alone. A joint electorate might well make it impossible for Muhammadan interests to be forgotten.

Babu PRABHU DOYAL HIMATSINGKA: I oppose the amendment asking for separate electorate and I have a few words to say. Dr. Roy has referred to "self-determination" and has asked us to interpret it, not determination by different communities, but by the Indians as a whole. But I find that in this Council the word "self-determination" is interpreted to mean the individual members because we hear all interpret the word by looking at their own personal interests. At present, on account of the separate electorates the more a fanatic, the greater the chance of his being returned. A person who is the sponsor of the question of "no music before mosques" has a greater chance of being returned from a Muhammadan constituency, just as a Hindu with "music before mosques at all times" has a similar chance. Some of the Muhammadan members have supported communal electorates on the ground that there is communal passion in the country, and there is communal feeling, and they cannot trust the Hindus. I say that the argument is absolutely wrong. I want to say that there is communal passion because of the separate electorates. The day the separate electorates cease, there will be no communal passion, for everyone of us will think twice before we do anything to increase that passion. At present by increasing that passion, we run no risk for we know that we have not got to face the voters of the opposite community. The moment there is joint electorate we will know that we have got to get the support of both the communities, and then this communal passion will subside. Since the introduction of the reforms with separate electorates, this communal passion is so much in evidence, and I am sure the day we have joint electorate, this communal passion will cease.

Mr. A. K. FAZL-UL HUQ: So many references have been made to me.....

Mr. PRESIDENT: You have no right of reply.

Mr. A. K. FAZL-UL HUQ: So many references have been made that I should like to say something by way of a personal explanation.....

Mr. PRESIDENT: All right, but you must restrict yourself strictly to an explanation.

Mr. A. K. FAZL-UL HUQ: I knew my amendment would arouse controversial issues, but I never thought so much feeling would be imported into the discussion that has arisen.....

Rai HARENDRANATH CHAUDHURI: Is it a personal explanation?

Mr. A. K. FAZL-UL HUQ: Yes. My friend Mr. Nausher Ali wanted to know why I had proposed the amendment. I wish to make a statement on that point. When I got a copy of Sir Abd-ur-Rahim's resolution, it seemed to me to be absolutely non-controversial, and I asked him whether many amendments would be moved, but I failed to find out. Subsequently Babu Bejoy Krishna Bose put in an amendment to the effect that elections to the legislatures should not be on a communal basis. It reminds me of the story of the *thakur ghur*—when a man was discovered in the room, and asked what he was doing, he at once said he was not eating plantains—that was the case here; my friend Babu Bejoy Krishna Bose put in this amendment, and I felt that I should put in a counter amendment. That, Sir, is my explanation of why I gave notice of this amendment. I now want to say something about one or two other matters.....

Mr. PRESIDENT: I am sorry I cannot allow you to say anything more.

The motion that to clause (*f*) of Sir Abd-ur-Rahim's resolution the following be added, namely: "by means of a system of separate communal electorate" was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Choudhury, Maulvi Khorshed Alam.
Faroqui, Khan Bahadur K. G. M.
Ghuznavi, Alhaj Sir Abdelkerim.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maguire, Mr. L. T.
McCluskie, Mr. E. T.
Nazimuddin, Mr. Khwaja.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rauf, Maulvi Syed Abdur.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Solaiman, Maulvi Muhammad.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syed Nausher.
Ali, Mr. Altaf.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Saci Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Khan, Babu Debendra Lal.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Srie Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Raikat, Mr. Prosanna Deb.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Saahindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.

The Ayes being 30 and the Noes 50, the motion was lost.

[At 4-35 p.m. the Council was adjourned and it reassembled at 4-45 p.m.]

The following motion was, by leave of the Council, withdrawn:—

"**Babu NALINIRANJAN SARKER** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that for clause (*g*) the following clause be substituted, namely:—

(*g*) in the recruitment of public services non-Indians should be excluded except when their services are required as experts or technical advisers. Subject as aforesaid efficiency should be the sole test in all higher appointments while in other cases the claims of different communities should be taken into consideration and they shall have adequate opportunities of service subject to satisfying a minimum standard or qualification in respect of each class of such appointments."

The following motions were called but not moved and therefore deemed to be withdrawn:—

"**Babu BEJOY KRISHNA BOSE** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that from clause (*g*) the words 'in addition' be omitted."

"**Rai SATYENDRA NATH ROY CHOUDHURI Bahadur** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that in clause (*g*) after the word 'qualifications' the words 'and efficiency' be inserted."

"**Babu BEJOY KRISHNA BOSE** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that from clause (*g*) the following words be omitted, namely, 'to the need for securing the widest possible confidence in the administration by averting a communal or class monopoly.'"

"**Maulvi SHAMSUR-RAHMAN** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that in clause (*g*) for the words 'by averting a communal or class monopoly' the following be substituted, namely, 'by providing for adequate representation of the different communities and classes.'"

"**Rai SATYENDRA NATH ROY CHAUDHURI Bahadur** to move by way of amendment, to motion of Sir Abd-ur-Rahim that for the words 'by averting a communal or class monopoly' the following words be substituted, namely, 'by impartial and liberal selection without communal or class considerations.'"

"**Maulvi SHAMSUR-RAHMAN** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that after clause (*g*) the following clause be inserted, namely:—

"(*gg*) that representation of various communities and interests be secured by separate electorates till such time as the members of the various communities agree to a common electorate."

"**Mr. A. K. FAZL-UL HUQ** to move, by way of amendment, to motion of Sir Abd-ur-Rahim that the following clause be added after clause (*h*), namely:—

'(*i*) a Parliamentary statute should guarantee such safeguards as will give all communities, especially minorities, sure and special protection in the following domains, viz.:—

(*1*) in the exercise of their religious rights;

(*2*) in the public services, that is, the services maintained by the Government or local bodies or educational and other civic institutions;

(*3*) in the matter of the admission of students in all educational institutions maintained or aided by the State and in the provision of teachers;

(*4*) in the matter of the distribution of grants-in-aid for educational and other public objects, to maintain a fair and reasonable distributions for various interests.'"

Maulvi ABDUL KARIM: The opportunity to discuss the different fundamental problems connected with the intricate political situation in India must be welcome to the hon'ble members of this Council. Such a discussion, I need hardly say, is opportune when representatives of the Council are to be deputed to work with the Statutory Commission.

It would be perhaps superfluous now to give reasons for the unpopularity of the Commission and lack of confidence in the result of its labours, all this having been repeatedly voiced within the legislatures as well as outside even by the most conservative Indian leaders, some of whom had erstwhile been the trusted colleagues of Government in the Executive Councils and Ministries of the Central and Provincial administrations. Equally barren would be the academic discussion as to whether it is consonant with the ideals of self-determination and fundamental rights of nations and races for the British Parliament to arrogate to itself the sole right of determining the future constitution of a great country without admitting the leaders and representatives of its diverse races and interests into its confidence in formulating and codifying the same.

I am afraid, Sir, it would be waste of time if I were to refer at length to the mischievous attempts of treacherous reactionaries or to the vigorous propaganda of interested imperialists to reopen the question as to whether India is fit for self-government or whether the revisory commission of 1928 is competent to go back upon the declared and solemnly pledged policies of the preamble of 1917 and the Act of 1919. Such insinuations cannot but be regarded as puerile and suicidal in an age which is fast adapting itself to higher ideals of political organisation, international justice and racial equality enshrined in treaties, constitutions and pacts which the League of Nations and all constituent empires have deliberately adopted after the Great War. It would be nothing short of madness to replace the out-of-date dyarchy by the archaic pre-reform irresponsible autocracy. It is such foolish propaganda that has resulted in the passing of the premature and impracticable Independence resolution. To disregard the demand for provincial autonomy and responsible Central government would be a dangerous political blunder. It should be unmistakably realised that the British policy in India is definitely committed to the "progressive realisation of responsible government" and the periodical Commissions are merely to determine the extent and nature of each furthur instalment of such reforms and of India's advance towards swaraj which, as declared by His Imperial Majesty and reiterated by his Ministers, is the ultimate goal of India. It is too late in the day to cast doubts on India's fitness for democratic institutions when Turkey and Persia have already attained them without Western tutelage for a century and a half. Even the moderate Labour

leader, the ex-Premier Mr. Ramsay Macdonald, recently declared that in a few months, and not years, he expects India to join the brotherhood of free nations of the Commonwealth on terms of equality as a self-governing nation enjoying full dominion status. Considering the psychological juncture of this first revisory enquiry, and the basic nature of the report called for, as well as the epoch-making events outside India and the British Empire which must inevitably react on our political ideals and administrative organisations, it is essential that the Indian view point should be effectively represented, in all stages of the Commission's deliberations and decisions. It would be a calamity if sentence were to be pronounced on India's political destiny without a proper presentation of her case. In these circumstances it is desirable that the main factors and problems of the political and constitutional position should be thoroughly reviewed and a clear indication should be given as to the Council's considered opinion regarding them.

A natural corollary of the progressive realisation of responsible government is on the one hand India's independence and self-reliance in matters fiscal, financial and administrative and on the other an adequate provision for self-contained development for each of the provincial units which are to be federated into the future self-governing Dominion of India. The realisation of even a semblance of autonomy would be unthinkable unless the financial resources of the provinces are put on firm and permanent foundations and any tampering with the same by the Central Government made impossible by definite statutory provisions. The financial independence and self-reliance of Bengal should be adequately secured by the readjustment of that unsettling Meston settlement under which Bengal, more than any other province, has groaned for years and which has been officially admitted to have had most damaging and destructive results in handicapping the development of the nation-building departments.

The Indianisation of the services is an unchallenged right of India, and follows as an inevitable corollary from its goal of responsible self-government. It cannot be denied that the present rate of Indianisation is not consistent with the declared aim of progressive realisation of responsible government and it must be accelerated.

Closely connected with the question of Indianisation is the problem of balancing the rights and interests of minorities and even of disorganised and backward majorities. Alike in the political and economic schemes and the Indianisation policy we must insist upon a harmonious belonging of the claims and legitimate rights of different sections of the Indian population, so that the public might have an abiding faith and the fullest confidence in the new administration to be evolved.

It is hoped that an honest attempt would be made to find a satisfactory and lasting solution of the many political and constitutional problems which have been causing much disruption, discontent and even disaffection in the country. National demands were met in the past and they will have to be met in the future. But unless this is done in good time and with good grace, much of the desired effect will be lost.

Mr. W. C. WORDSWORTH: Sir, as the debate is drawing to its end, I wish to explain in a few words why this group has not taken an active part in the discussion. It is not that the subject brought before us is wanting in importance. On the contrary, Sir Abd-ur-Rahim could hardly have brought up issues more important and more comprehensive. But we have not seen that we could serve any useful purpose by contributing our views here in a responsible way. If we had thought so, we should have given the matter our careful attention and have spoken with a care and circumspection fit for the occasion. As the group has not thought fit to put up any speakers—any accredited speakers— it would not have been fitting for any member in his individual capacity to speak with a less sense of responsibility. I am spared the necessity of detailing our argument in full because in an excellent speech yesterday evening Mr. Suhrawardy developed an argument very similar to ours.

5 p.m.

We meet here for certain purposes. We exchange our views, usually without convincing one another, we count heads and the decisions thus reached are put in our legislation or communicated to the administrative departments for guidance. But finding wisdom by counting heads is only a modern substitute for the more diverting method of finding wisdom by breaking heads, and some parts of this discussion suggest that if we are not very careful, we may insensibly slip back into the ancient ways. Can we arrive at a constitution, can we solve these difficulties merely by counting heads in this House? We here hold we cannot, and since those in charge of our political destinies have thought fit to appoint a Commission which can deal with these matters without any exacerbation of feeling, and since every party in this House, and in the country, but one, is prepared to put its views before that Commission, and since that one party, so far as I have seen in the debate yesterday and to-day, is not desperately anxious to conceal its views from the Commission, we feel that whatever is necessary on behalf of this Council and on behalf of the parties that constitute this Council will be done in other ways. We as a Council have decided to co-operate with the Simon Commission. We are in a couple of days to elect a committee to represent us in consultation with the Commission and I think—this group thinks—that we may safely leave that committee to put forward the views

of the separate sections of this Council. It is for this reason that we have held aloof from the debate, feeling that the Commission so constituted is able to give to the matter nearly as many years of consideration as we yesterday and to-day have given it hours, and to do the work much more satisfactorily than we can ourselves. In our opinion any decision arrived at on this resolution of Sir Abd-ur-Rahim will be either left in the air without any effective importance or may be regarded as merely superfluous, and on the principle that what is superfluous to-day may prove obstructive at some future time, we have abstained from this debate.

Mr. J. M. SEN GUPTA: I feel that the explanation which Mr. Wordsworth has submitted to the members of this House not for any action that he and his party took but for his inaction was unnecessary, because members of this House who are interested in this debate know perfectly well why the official members and non-official European members did not choose to take part either in the debate or in the division. When a few days ago a motion was tabled for the purpose of appointing a Committee of this Legislature to help the Simon Commission, it was a matter in which the official members and the non-official European members had to take part and also had to ask for a decision according to the counting of heads, because, unless these official members and the non-official European members who always vote with the official members—unless they voted, the opinion of the Council would have been against the appointment of a Committee to help the Simon Commission. It is all very well to-day at the end of the debate for Mr. Wordsworth to get up and give reasons, but we know what the reasons are—why the official members and the non-official European members are not voting on this question? The reason is this that on this question of the future constitution of India, a unanimous decision is being reached to-night in this hall; and however much the officials and non-official Europeans might try or in whatever way they might vote on this, the decision of the Council could not be in the slightest way altered. The point is this: that on the question of the appointment of a Committee to help the Simon Commission if the question was left entirely to the non-official members, the decision of the Council would have gone against the appointment of the Committee; and to-day they know that on the question as to the future constitution of India even if the officials and non-official European members vote against the elected members, they have no chance. It is all very well to say that it is not always correct to take decisions by counting of heads. Is it only on this expression of opinion on the future constitution of India that the counting of heads is not a proper method of finding out what the constitution should be? That method is applied in his country—in Mr. Wordsworth's own country—but according to him that method is

not good when it is applied for the purpose of finding out what the constitution of India should be.

Sir, having made that point clear, I should like to explain the position of the members of the congress party with regard to the resolution. There is no doubt that the majority of our countrymen are imbued with the spirit of complete independence from all foreign control in the administration of the country. That ideal, that goal the Congress, the national institution, has set before the people. We are striving and we will strive for that goal however much the difficulties may be in our way; but we do not forget the practical difficulties of immediately coming to a common understanding with all parties in this land of ours. We have got Liberals—we have got Moderates—we have got the Moslem leaguers—we have got the Hindu Savaists—we have got a large number of political institutions. Although they all agree with us in the ideal of independence for our country, they say that for the present we cannot go with you to form or frame a constitution in which you put down complete independence as the basis of the constitution. For the purpose of getting a present settlement, as Sir Abd-ur-Rahim has put it, the present settlement of the constitutional question amongst all Indian parties, it is necessary that the Congress should agree with the other parties in this country. Though the resolution moved by Sir Abd-ur-Rahim puts forward the general principles on which the constitution should be based, there is nothing repugnant in this resolution which goes against the ideal and that final goal of the Congress—a goal that has been set before India—a goal which no honest Englishman can oppose. Therefore, Sir, it is perfectly justifiable on our part, as we have done on past occasions during the last four years, to propose resolutions expressing the opinion of the Council on constitutional questions. You would remember when we came into this House for the first time in 1924, we put forward resolutions recommending to Government the abolition of diarchy and amendment of the constitution in accordance with the clearly expressed public opinion of this counfry. We put forward those resolutions in the Council Chamber; we carried most of them, we lost some of them. In the Legislative Assemly and other Legislative Councils of India we put forward similar resolutions for the purpose of amending the present constitution. This resolution is of a similar kind and is in the form of an expression of opinion by this Council. The Government realise that the position is such that it is useless opposing a resolution of complete responsible Government put forward by the elected members of the Legislative Council. It would be carried notwithstanding the opposition that the European officials or European non-officials might put forward.

Sir, there was an objection to the original admendment that was put forward a few days ago to the resolution recommending the

appointment of a committee to assist the Simon Commission. Sir Abd-ur-Rahim, when he spoke yesterday, said that different groups in this House objected to the form of the resolution because it was a recommendation to the Committee of the House which were to sit in collaboration with the Simon Commission. Sir Abd-ur-Rahim made it perfectly clear that he could not get the assistance of certain groups in this House and he was referring to us as one of those groups, namely, that we would not support any resolution in this House which attempted directly or indirectly any assistance to the Simon Commission and for this reason we made it clear to Sir Abd-ur-Rahim that he must so alter his resolution that there was no inkling, no suggestion of any support to the Simon Commission. The present resolution is a substantial improvement in that respect and therefore meets with our approval.

The seven Europeans who compose the Simon Commission may hear everything we say; if we have a public meeting, they may get at what we say through newspapers; if we pass a resolution as our opinion in the Congress or if we frame a constitution at the All-Parties Conference; they may get at it; if we pass a resolution in this Council they may also get at it. Because they may hear what we say, or what we decide in this House, is that any reason why we should not express our opinion? So long as we make it perfectly clear that we do not go before them, we do not want this should be sent to them—because we deny the right of these 7 gentlemen to decide the question of the future constitution—we are at perfect liberty to express our own opinion, otherwise we will have to stop all political work in the country simply because Simon Commission is here. Surely we are not going to do that.

I am sorry that Mr. Fazl-ul Huq should have moved his amendment on the question of separate electorate in this House. I know, Sir, a member of our party had given notice of an amendment that there should be no communal electorate so far as the legislatures are concerned. But, Sir, that amendment was given notice of without the knowledge of our party—not that the party did not accept the proposition of a mixed electorate but because we did not want an acrimonious discussion on the question of a separate or joint electorate in this House.

5-15 p.m.

It was for that reason that on the first day when this amendment was called out by you from the Chair that Mr. B. K. Bose, in obedience to our party's decision, did not rise in his place to move his amendment recommending a joint electorate. Mr. B. K. Bose had the chance of moving that amendment before Mr. Fazl-ul Huq was called upon to move his. I expected and I told Mr. Fazl-ul Huq that having regard

to the fact that we had already decided not to move that amendment, it was only fair and reasonable that we should come to a unanimous decision on this question of constitution without any reference to the vexed question of general or separate electorate. I know there is a difference of opinion on that point. But the question of electorates, I submit is a small matter; although our opponents, the opponents to the immediate establishment of full responsible government in India, would always point out that the only question which mattered was the matter of the general or separate electorate. That is a small question in a constitution; the bigger question they would not tackle, because they know that on the bigger question of full responsible government, the country is unanimous, all the political bodies are unanimous, and, therefore, they take up a small point in the constitution and make it appear a very big one, and thereby they attempt to show that the country is not unanimous on the question of the constitution. I say it would have been better if Mr. Fazl-ul Huq could have seen his way to withdraw his amendment but he did not. It was unfortunate that a division was taken on his amendment; it was unfortunate or fortunate I cannot say which that he lost.

I have no doubt when I think of the question of the separate and joint electorate and put myself in the position of a Muhammadan, that if I were actuated by the feeling that I should simply overwhelm the Legislative Council of Bengal with only Muhammadan members, whether they were good members or bad members, whether they were inferior or superior to the other candidates who stood for election to that Council, I would support joint electorate. Even if there were better Hindus, better Christians, or better men of other denominations I would whole heartedly support the joint electorate in Bengal for the simple reason that the majority of the voters are Muhammadans and this I would do if I were actuated by the desire to keep every one else out. I hope there are some Hindus and Muhammadans who would rise above communal feeling and I always count myself as one of them. The members belonging to the Congress party are charged by the Hindus as pro-Muhammadan but I have not yet been charged by the Muhammadans as anti-Muhammadan. I can tell my Muhammadan friends that we are charged every day for putting forward the proposal of joint electorate for our future constitution; because they say that in Northern Bengal and in Eastern Bengal it is impossible, if the Muhammadans so chose, for the Hindus to be returned at all by a joint electorate.

(Here the member reached his time limit but was allowed two minutes to finish his speech.)

As Dr. Roy has already pointed out, out of 26 districts of Bengal only in 7 districts are the Hindus in a majority; in 19 districts the Muhammadans are in an overwhelming majority and therefore I say

from the point of view of a Muhammadan it is in their interest—if their interest mean only returning Muhammadan candidates to the Legislative Council—it is a very narrow interest—to have joint electorate. What is the position? In the Chittagong Division, in the Dacca Division and in the Rajshahi Division, and in the districts of Khulna and Jessore—let Mr. Nausher Ali answer—in every one of these divisions and districts we see from day to day that if the Muhammadans so chose they can return only Muhammadan members to the district boards and municipalities. A joint electorate may mean this that the Muhammadans in 19 districts, if there is no fixed seat for Hindus may return Muhammadan members only if they so desire and they may even have a much bigger majority in the Legislative Council than they can have on population basis. That is the position. Hindus do not object to joint electorate notwithstanding the fact that if the Muhammadans so chose in their narrow interest they can only return Muhammadan candidates; and they still agree in deference to national interests to a joint electorate. The Hindus feel that in course of time both Hindus and Muhammadans will forget to vote on communal lines, and only return the best candidate, Hindu or Muhammadan, who would look after their interests.

That is why I say that in voting for this resolution we are not in the slightest way affected by the fact that in the resolution to-day the word "independence" does not occur. The ideal and the goal of the Congress remain unaffected but to-day for practical purposes, to make an immediate settlement amongst all political parties in India, we are prepared to agree with Sir Abd-ur-Rahim in the recommendations of this resolution.

Mr. P. N. GUHA: Sir, Mr. Wordsworth has said why his group was not going to participate in the voting on this resolution and Mr. Sen Gupta has explained the attitude of his party. Now, Sir, some of us on this side of the House do not belong to either of these groups and I think we owe it to ourselves to explain why we are going to support the resolution of Sir Abdur-Rahim. Mr. Sen Gupta's party does not like the idea of linking this resolution with the Simon Commission and that was the reason which induced them not to lend any support to Sir Abd-ur-Rahim when the matter was brought at the time when the question of appointing a committee of the House to assist the Simon Commission was discussed. The Swarajists are supporting the resolution of Sir Abd-ur-Rahim now but Mr. Sen Gupta would not like to send the final verdict of the House to the members of the Commission. Mr. Wordsworth's group has sent its recommendations separately to the Commission. We, for ourselves support the resolution of Sir Abd-ur-Rahim with the idea that it has been brought before the House with the set purpose of placing the considered opinion of this House before the Simon Commission, and we hope that this will be done. The

discussion over a resolution of this nature at the present moment becomes absolutely meaningless if it is not intended to be placed in the hands of the members of the Royal Commission.

We fully agree with Sir Abd-ur-Rahim so far as the broad principle underlying resolution is concerned and in fact I doubt if there can be any Indian politician who would disagree with him. We believe and in fact know it definitely that our destiny rests on the Simon Commission and it is here that we part company with our Swarajist friends. Sir, I whole-heartedly support the resolution of Sir Abd-ur-Rahim with the hope that unanimous verdict of the Bengal Legislative Council will receive due and careful consideration at the hands of the members of the Royal Commission.

Maulvi SYED NAUSHER ALI: I would not have spoken but for one expression of opinion by my friend Mr. Sen Gupta that the Mussalmans will in course of time forget their communal feeling, that they will not return only Mussalmans, that they will return a proper and right type of men. I may here point out that the Mussalmans are generally speaking not communal at all; theirs is a defensive communalism, if communalism at all; communalism comes from the other side. I do not say for a moment that the Hindus generally speaking are communal. I do not for a moment suggest that the Congress Party as a whole are communal but there are members even in the Congress Party who are the worst communalists. Outside the Congress also there are people who are communalists of the worst type.

Rai HARENDRANATH CHAUDHURY: May I rise on a point of order. The discussion is proceeding on the original resolution and so far as the original resolution is concerned there is no reference to communalism. Is Mr. Nausher Ali in order in referring to communal matters?

Mr. PRESIDENT: I find that the leader of the opposition has gone over to that matter and I think it is up to the member to say something about it.

Maulvi SYED NAUSHER ALI: I say that the Mussalmans are on the defensive so far as communalism is concerned. Look at what has happened in the self-governing institutions in this country. Local self-government has been introduced in this country for a pretty long time but they have not been able to return to these bodies desirable persons on account of the opposition of the other party. I can speak from personal experience but I have no inclination to say anything against any member personally either here or outside this House. I have got bitter personal experience of communalism. Reference has been made to my election as Chairman of the Jessore District Board and

that I was proposed by a Hindu but I am compelled to state certain facts which may be very, very unpleasant. What happened? I can say that so far as the Jessore District Board is concerned the best sort of men were elected; they are the true representatives of the people. What happened is this: The party that was opposing me was doing so from communal motives, simply from interested motives. I can substantiate it from facts. There was one gentleman who could somehow sign his name and attempts were made to put him in in preference to the educated Mussalman gentleman of that locality. I can cite the case of Maulvi Syed Abdur Rauf, M.L.C. In his case preference was given to a man who could somehow sign his name. Why was it? This time the Mussalmans have been elected in a majority to the District Board not in a spirit of communalism, but in a spirit to keep down communalism. The Hindus had been in possession of the district boards for years, they ran them on purely communal lines, nay on purely sectarian basis. They have not looked to the interests of the Mussalmans or to the interests of the depressed classes. The result is that these people have now found out that their representatives were abusing their powers and were working to the detriment of the people who have returned them. They say we are no longer going to select them as our representatives!"

5-30 p.m.

Now, Sir, in this connection I may tell the House that it cannot be said by any stretch of imagination that there was anything communal so far as the election to the District Board of Jessore was concerned. I can say that the whole of Jessore was with me, excepting a handful of interested persons. Therefore, I say it is not communalism in the Mussalmans, but communalism in persons who abused their powers, that has brought about this state of things. The same is the case with regard to other parts of the province. But now the people have been roused to their self-consciousness, and that is why those gentlemen who had formerly abused their power have had to make room for better representatives. Now, Sir, I can say something with regard to my own election.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. The history of his election may be a very interesting thing, but what have we got to do with it here?

Mr. PRESIDENT: You had better leave that matter, Maulvi Sahib.

Maulvi SYED NAUSHER ALI: Sir, on the proposal itself I will just say a word or two. The proposal is that we want full responsible government. There is no two opinion on that so far as this House, or rather so far as India, is concerned. Now, Sir, certain amendments—

rather unpleasant amendments—have been moved, which have created unpleasantness in the House, but so far as I have been able to realise, there is not a single gentleman in the House who would make the amendments a condition precedent to the acceptance of the resolution. So far as responsible government is concerned, that has been accepted by all sections of the people, and the resolution is concerned with the grant of responsible government to India. The amendments deal with the methods by which the constitution should be worked out.

Khan Bahadur Maulvi EKRAMUL HUQ: Mr. President, Sir, I rise to support the resolution moved by Sir Abd-ur-Rahim, but in doing so allow me to make this one fact clear: that we do not support the resolution as it stands now amended. So far as the amendment moved by Mr. Sarker is concerned, it is the opinion of the Muhammadan community that they cannot at all agree that the principle contained in clause (*f*) of Sir Abd-ur-Rahim's motion should not be extended to the other statutory bodies. Then, again, Sir, as regards the question of representation of Muhammadans in the legislatures and various other statutory self-governing bodies, the Muhammadans desire that they should not be returned by any other electorate except an electorate formed on communal basis. Except these two points, Sir, so far as the resolution is concerned, we have the fullest sympathy with it, and most of the Muhammadan members—if not all—are bound to support a resolution like this.

Now, Sir, it has been said by Mr. Sen Gupta that it is the wish of the majority of our countrymen that the British Government should be seen moving bag and baggage from this country, and that it is also the wish of the majority of our countrymen that the European gentlemen who are draining our resources should not be allowed to drain as much wealth as they are doing now. It is true, Sir, that there is a strong feeling in this country against the British Government and against European merchants, but so far as we are concerned there is one law that stands in the way of fulfilment of such desires, viz., the law of hospitality. Not this hospitality that we are just now deliberating under the roof provided by the Government. (A VOICE: It belongs to the Corporation.) Yes, I hold that this roof belongs not to the Government but to the people of this country. But there is another law that makes us think kindly of these people: is it not a fact that the Muhammadans in days gone-by afforded hospitality and showed generous considerations to the European traders and the Government that sits over our heads to-day? We cannot forget—let the British Government forget it, let the European merchants forget it, let them say that they are the rulers of this country and to clean forget what happened in the past. It is this fact, Sir, that keeps us back from taking up an attitude like that of Mr. Sen Gupta.

Now, Sir, so far as the question of communal electorate is concerned, it has been said by Mr. Sen Gupta and other speakers of the Swaraj camp that communal electorate narrows the national outlook. There may be some truth in this assertion, but the lie direct to it has been given in this very Council Chamber. Is it not a fact, Sir, that the Muhammadan members of this Council have from the very beginning urged for more and more powers, urged for self-government. Is it not a fact that even to-day the Muhammadan members of this Council, who have been returned to this Council by special electorates, are in a body making the demand that we must have self-government with dominion status? Does it show that the Muhammadans, if they are given separate electorates, will take a narrow view of matters? It does not in the least. As I have said before, it gives the lie direct to what some swaraj members have said. On the other hand, it clearly shows that the Hindu gentlemen do not at all like to give up the monopoly of power which they have so long enjoyed. They do not at all like that the Muhammadans should demand their due share. And that is why they have raised this cry. They have said that they cannot agree to communal electorates even though they are the greatest sufferers. They point out the case of Eastern Bengal as an example. They forget that the constitution as it stands at present gives them the greater chance and greater powers. What about your phalanx of women voters? The Muhammadans are bound to crumble before them. Besides that there are many other things which you have to consider in the interests of the country and in the interests of the community. When we Muhammadans want separate electorate on communal basis, we do not want to perpetuate communal differences, but, on the other hand, I can assure you that if communal electorate is retained, it will obviate the differences that will arise between the Hindus and the Muhammadans. Is it not a fact that when Hindus and Muhammadans go together to vote, the cry is raised that the Hindu should not vote for the Muhammadan and that the Muhammadan should not vote for the Hindu? Is that conducive to national welfare? Never. On the other hand, there should be a common cry: "Let us see to it that the right sort of man is elected to the Council and other self-governing institutions." But my friend, Mr. Sen Gupta, in his vehemence has gone to the length of saying that when an election comes he would like the Muhammadans to go about the country with the cry that the Muhammadans should vote for Muhammadans. Why? By that don't you yourself raise the spirit of communalism? I say that this cry has been raised from time to time in different parts of the country. If I remember aright, I heard from a very reliable person at a time when there was no separate electorate for Muhammadans, at a time when Hindus and Muhammadans were in fact voting jointly—I say this on the authority of a gentleman who is dead and gone, viz., the late Maharaja of Nashipur—that a cry was raised

by some eminent Hindu lawyers of Calcutta and by some eminent zemindars that the zemindars in a body should not vote for a Muhammadan.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. The member is saying something about the late Maharaja of Nashipur, who is dead and gone for many years.

Khan Bahadur Maulvi EKRAMUL HUQ: I say it on the authority of the late Maharaja of Nashipur that it was the opinion of leading Hindu gentlemen of Calcutta that Hindu zemindars should not vote for a Muhammadan candidate.

Sir, the truth of this assertion of mine is apparent from the voting in this House even. How many of you in spite of the fact that you would like to smooth matters, in spite of the fact that you would like to see Muhammadans returned, went into the same lobby with the Muhammadans? None whatsoever. But, on the other hand, we saw liberalism running rampart in the rank of the Muhammadan members. We saw two or three of them going into the same lobby with you, while not a single Hindu came to this lobby. This is the state of affairs not here alone, but everywhere else. And I tell you that though the Hindus have not in the past been able to accede to the demands of the Muhammadans, let them in a body say now that they agree to those demands. That will be statesmanship, that will be manliness, that will show that you are out to gain Swaraj and not a Hindu Raj.

Khan Sahib ABDUS SATTAR: Sir, I do not rise at this stage to make a long speech, but I should like to point out the difficult situation that has been created, especially by those of my Muhammadan friends who have voted on the amendment of Mr. Fazl-ul Huq. Now, Sir, separate electorate is considered to be the most important and the most fundamental political principle of Muhammadans, and it was very unfortunate, I agree, that it came in for discussion, and we having lost it, those of us voted for that amendment, if they vote for this resolution, will convey the impression by implication that they want the resolution to be given effect to without separate electorate. But that is not the idea, that is not the sense of my constituency. Therefore, I for myself find it difficult to vote for this resolution. It is not that I oppose the resolution, but having regard to the various criticisms that have been made these two days and to the fact that so much importance has been given to communal representation, and having regard to the fact that we have lost the amendment, I say that if the Muhammadans vote for this resolution, it will show that they vote for it even without separate electorates. I consider that we have been placed in a very difficult situation, and I for one cannot see my way to vote for this resolution.

Sir ABD-UR-RAHIM: I must say that the last two speeches have taken me considerably by surprise. I did not expect that because one of the amendments that was put in was lost, there would be any member in this House, I mean any Indian elected member, who would reject the main resolution that India should have responsible-government with full dominion status. I cannot however say that the mentality which has been revealed has altogether been a surprise to me, but I thought that for once it might be put aside. What is the position, Sir? I put it to the Khan Bahadur and the Khan Sahib, who have spoken on this subject and who have been most anxious to vote for the Simon Commission, and who consider the Simon Commission to be the arbiter of fate of India; what does it matter what the majority of the House think about separate electorates? They will place their case before them and there is no doubt that Parliament will do what they consider best for India on the evidence placed before them. If that is the case, then what is the meaning of their saying that because one particular question has been decided against them by the majority, they do not want full responsible government in India about which all are agreed.

5-45 p.m.

I put it to them what will they do with separate electorate if they do not want responsible government. Separate electorate or joint electorate without responsible government is of no use and any form of government other than responsible government is now useless. I do not think the two members really thought over the position in this light. If that was their decision on the main question they should not trouble themselves at all about the Simon Commission. I was very anxious to hear what the British members of this House thought over this question; but I was deeply disappointed. I thought from the sermons we got from them from time to time that they must have some grand practical scheme, but up-to-date I find they have no scheme at all. They are looking to the Simon Commission for a solution. Or, if their case is so intricate and so complex that they think they require the help of lawyers, there are many lawyers in this House, Mr. H. Suhrawardy, Mr. Fazl-ul Huq, Mr. S. C. Bose or any one of them would have been very glad to advocate their cause for a proper fee. We want to know what their case is. We have always been criticised, but why don't they give us the benefit of their guidance? I address the same observation to the Government. I want to remind them that by the attitude they have taken up on this occasion they have proved that the present regime is a failure. There are six Members of Government in this House in addition to a number of officials and one of them has been appointed by themselves the Leader of this House, yet they will not tell us their views and guide us on questions of such momentous importance. They say they are in possession of facts and figures and everything;

why do they not tell us what is the inference they draw therefrom? It has been said, I believe, by the new knight that we are the accused persons and there is the Jury coming from thousands of miles away. Well, is it consistent with Judicial Procedure that seven members of this very House, seven of the very accused persons, should sit on the Jury? If the evidence is against us, let us hear what their case against us is. With their valued experience acquired at great expense why can they not tell us face to face what is wrong. I suppose they will tell us when everything is over. I have not heard a single criticism of the case I have put forward. I take it, therefore, inspite of whatever Khan Bahadur Ekramul Huq, or anybody else might have said, that there is no other alternative. I am glad to find that my friend, Mr. J. M. Sen Gupta, has thought fit to come down from the ideal to the practical. I should have thought that either the Government or the British Members of this House would put forward an amendment so that we might consider if it was a better proposition. In the absence of such a proposition I take it that there is no other proposal which is worth considering. I say my resolution is the only possible solution of the problems.

The following amended motion was then put and agreed to:—

That in order to secure a satisfactory and lasting solution of the political and constitutional problems that have arisen it is the opinion of this Council that—

(*a*) the status of India should be that of a self-governing dominion under the British Crown as an equal partner in the Commonwealth of Nations within the British Empire and that necessary steps be taken to give adequate expression and effect to such status in the relations of India with Britain, the other self-governing dominions within the British Empire and with the foreign countries;

(*b*) the constitution of India be on the basis of a Federation of autonomous States, the Federal or Central Government administering only such subjects as concern the whole of India;

(*c*) the present system of Government in the provinces popularly known as Diarchy be abolished and full responsible Government be inaugurated in the provinces;

(*d*) in the constitutional instruments the citizen's rights as recognised by all responsible governments be defined and adequate and effective safeguards be provided for the protection of the rights and interests of minorities;

(*e*) in lieu of the Meston Settlement, which has had specially disastrous effects on the administration of Bengal, fresh financial adjustments be made with the Central Government on a more equitable basis;

(*f*) appropriate provisions be made for the proper and adequate representation of important sections of the population in the various legislatures;

(*g*) in the recruitment of the public services due regard be paid, in addition to the requisite academic qualifications of the candidates, to the need for securing the widest possible confidence in the administration by averting a communal or class monopoly; and

(*h*) for effectuating the abovementioned objects all necessary measures be adopted.

Adjournment.

The Council then adjourned till 3 p.m., on Thursday, the 2nd August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 2nd August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, Minister, and 114 nominated and elected members.

Starred Questions

(to which oral answers were given).

Détenu Trailokhya Nath Chakravarty.

*18. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the place of detention of Srijut Trailokhya Nath Chakravarty;

(*ii*) the present state of his health; and

(*iii*) the diseases he is suffering from?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) Government are not prepared to give this information.

(*ii*) and (*iii*) He was examined in July, 1928. The state of his health was found to be good. No disease was found, and he made no complaints of any.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state if Srijut Trailokhya Nath Chakravarty is detained in a jail?

The Hon'ble Mr. W. D. R. PRENTICE: His Excellency the Governor informed the Council two or three days ago that there was no one in jail.

Mr. KIRAN SANKAR Roy: Will the Hon'ble Member be pleased to state whether he is in home domicile?

The Hon'ble Mr. W. D. R. PRENTICE: I am not prepared to give you any information that will enable you to find out where he is.

Mr. KIRAN SANKAR ROY: Are you afraid of his rescue?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. SUBHAS CHANDRA BOSE: Is he living in mid-air?

Ex-détenu Kali Pado Ray Chaudhuri.

*19. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether Srijut Kali Pado Ray Chaudhuri of Amgram, district Faridpur, and a détenu was advised to use a Sayer's Jacket for tuberculosis of the spine by the Civil Surgeon of Berhampore while Srijut Ray Chaudhuri was in the Berhampore Jail; and

(*ii*) whether Government supplied him with "Sayer's Jacket" as advised by the Civil Surgeon?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reason for such refusal?

(*c*) Will the Hon'ble Member be pleased to state what is the present condition of Srijut Kali Pado Ray Chaudhuri's health?

(*d*) Is the Hon'ble Member aware that his condition has now become precarious?

(*e*) Is it a fact that Srijut Kali Pado Ray Chaudhuri petitioned the Government praying for arrangement of medical treatment?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) when he submitted the said petition; and

(*ii*) whether any decision has yet been arrived at by the Government?

(*g*) If no decision has yet been arrived at, are the Government considering the desirability of expediting the same?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) There is no record of such advice being given. On the contrary, the Civil Surgeon referred to agreed with another Civil Surgeon that such a Jacket would be useless.

(*a*) (*ii*) Does not arise.

(*b*) Does not arise.

(*c*) In a letter, dated 19th July, 1928, the détenu has stated that in addition to spinal trouble, he is suffering from severe brain complaints.

(*d*) No.

(*e*) Yes.

(*f*) (*i*) 30th May, 1928.

(*g*) (*ii*) and (*g*) No, as Government had arranged for his medical examination in Calcutta and the ex-détenu has stated he is at present unable to undertake the journey. Final orders will be passed as soon as the results of the medical examination are known.

The Hon'ble Mr. W. D. R. PRENTICE: I might add that I have received information to-day that the détenu has recovered and is arriving in Calcutta on the 5th August, and arrangements have already been made for his medical examination.

Mr. SUBHAS CHANDRA BOSE: To what district does the Civil Surgeon referred to in reply (*a*) belong?

The Hon'ble Mr. W. D. R. PRENTICE: The district of Birbhum.

Détenu Kiran Chandra Mukharji.

*20. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the present condition of health of Srijut Kiran Chandra Mukharji;

(*ii*) whether he is suffering from rectal paralysis;

(*iii*) whether he is suffering from pecuniary difficulty and cannot meet medical expenses; and

(*iv*) whether he approached the Government for pecuniary help for his treatment?

(*b*) Are the Government considering the desirability of releasing him immediately?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Normal for him according to a report, dated 8th May, 1928, from the local authorities. Apparently he has been sickly since childhood.

(*ii*) Government are unable to say. In March, 1927, he refused to submit to an expert examination.

(*iii*) No; his allowance was increased to enable him to meet all reasonable expenses.

(*iv*) Yes.

(*b*) Orders for his release under section 11 (*1*) (*a*), (*b*), (*c*) have already been issued.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state what he meant by "apparently"?

The Hon'ble Mr. W. D. R. PRENTICE: This is the deduction drawn from the various reports on the file.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the reports are from a medical officer of Government, or the Hon'ble Member himself?

The Hon'ble Mr. W. D. R. PRENTICE: From the reports on the file regarding the health of the détenu during his internment. One of the reports is dated 18th March on which I have based my reply.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether any applications were made by the détenu after March which contained any complaints?

The Hon'ble Mr. W. D. R. PRENTICE: Many applications containing lots of complaints about different things.

Report of the Calcutta Opium Enquiry Committee.

***21. Babu SACHINDRA NARAYAN SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries (Excise) be pleased to state when the Report of the Calcuta Opium Enquiry Committee will be issued to the public with Government's order on the recommendations?

(*b*) Will the Hon'ble Minister be pleased to lay a statement on the table showing—

(*i*) who were the public men who submitted written statements before the Committee;

(*ii*) how many of them were orally examined;

(*iii*) how many medical men submitted written statements before the Committee; and

(*iv*) how many of them were orally examined?

(*c*) Will the Hon'ble Minister be pleased to state why all of them (public men and medical men) who submitted written statements were not orally examined?

MINISTER in charge of DEPARTMENT of AGRIULTURE and INDUSTRIES (EXCISE) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) The Report has already been published. No order

has yet been passed by this Government on its recommendations. The decisions will be made in consultation with the Government of India and other local Governments.

(*b*) (*i*) A list is attached.

(*ii*) Four.

(*iii*) 182.

(*iv*) 12.

(*c*) The Committee did not consider it necessary to do so.

List referred to in the reply to clause (b) (i) of starred question No. 21.

The names of the public men who submitted written statements before the Opium Enquiry Committee:—

(1) Babu Kishori Lal Ghosh, Honorary Secretary, Indian Journalists' Association.

(2) Mr. H. M. Bose, Bar.-at-Law.

(3) Mr. William Paton, London.

(4) Rai Fanindra Lal De Bahadur.

(5) Sir Deba Prasad Sarbadhikari.

(6) Babu Jitendra Nath Moitra, President, Baranagore Hitakari Sabha.

(7) Mr. S. N. Roy, Calcutta Temperance Federation.

(8) Mr. M. N. Addy, Calcutta Temperance Federation.

(9) Mr. R. N. Neish, Chairman, Titagarh Municipality.

(10) Mr. J. R. Banerjee, Principal, Vidyasagar College.

(11) Mr. P. O. Philip, Secretary, National Christian Council, Poona.

(12) Babu Provat Chandra Sanyal, Assistant Editor of the *Modern Review* and the *Prabashi*.

(13) Babu Prafulla Kumar Sarkar, Editor, *Ananda Bazar Patrika*.

(14) Mr. K. C. Ray Chaudhuri, Member, Legislative Council.

(15) Babu Bijoy Krishna Bose, Member, Legislative Council.

(16) Babu Narendra Nath Law, Honorary Secretary, Bengal National Chamber of Commerce.

(17) Babu Ramdhan Das Jhajhoria, Honorary Secretary, Marwari Association.

(18) Babu Kshemada Kinkar Roy, Honorary Secretary, Bengal Land-holders' Association.

Grand Trunk Canal Scheme.

*22. **Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is a fact that the Government of Bengal intend to revive the Grand Trunk Canal Scheme?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state under whose advice the scheme is going to be revived?

(*c*) Is it a fact that it is at the instance of Mr. Addams-Williams that the scheme is going to be revived?

(*d*) If the Government intend to revive the scheme, are they considering the desirability of consulting the Bengal Legislative Council before they decide to revive it?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) and (*b*) On the receipt of a note from the Consulting Engineer to the Government of India, Government decided to review the whole situation.

(*c*) No.

(*d*) Government have already undertaken to consult the Council before committing themselves to the scheme.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state when Government intend to have a discussion on this question?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It has not been decided whether Government will go on with the scheme.

Mr. SUBHAS CHANDRA BOSE: With reference to answer (*d*) "Government have already undertaken to consult the Council before committing themselves to the scheme," I should like to know if the Hon'ble Member can give us some idea as to when this will come before the Council for discussion?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I have no idea.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether the Government of India before deciding to review the whole question, consulted the Government of Bengal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: This review is being made by the Government of Bengal; no decision has been made by the Government of Bengal.

Rai HARENDRANATH CHAUDHURI: The Hon'ble Member has misunderstood my question. I wish to know whether before deciding to review the whole situation, did the Government of India consult the Government of Bengal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhabari: (Inaudible.)

Rai HARENDRANATH CHAUDHURI: With reference to answers (*a*) and (*b*) it is stated on receipt of a note from the Consulting Engineer to the Government of India, Government decided to review the whole situation. Which Government is it, the Government of India or the Government of Bengal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The Bengal Government.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether there were any other facts before the Government of Bengal to help them to decide on a review?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: No other facts.

Mr. PRESIDENT: I do not understand the question.

Rai HARENDRANATH CHAUDHURI: If the Government of Bengal decided to review the question, are there any other facts besides those of the Consulting Engineer to the Government of India on which they considered the desirability of appointing a further committee to go over the scheme?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I ask for notice.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether the Consulting Engineer to the Government of India took up this matter of its own accord, or at the instance of the Government of Bengal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: At the instance of the Government of India.

Mr. SUBHAS CHANDRA BOSE: Is it the usual practice for our Ministers not to go before the Government of India except at the wish of the Government of Bengal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The Government of India took the matter up on their own motion.

Alleged injury to a steamer passenger at Goalundo Ghat.

***23. Maulvi NURUL HUQ CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that in the month of March or April, 1928, a passenger in one of the steamers at the Goalundo Ghat received injury sufficiently serious to necessitate his removal to hospital by the fall of a bale stacked on the steamer?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what was the nature of the injury; and

(*ii*) what has been the effect of the injury upon his body?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) Government have no information.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the Government made any inquiries after the questions were put in?

The Hon'ble Mr. A. MARR: No.

Maulvi NURUL HUQ CHAUDHURI: Is not the question of the safety of the lives and limbs of Indian passengers a matter which concerns the Government of Bengal?

The Hon'ble Mr. A. MARR: Yes.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state if it is their concern, why did he not make any inquiries after receipt of the notice of this question?

The Hon'ble Mr. A. MARR: It did not seem of sufficient importance.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to say whether he considers the lives and the safety of Indian passengers on steamers, not a matter of sufficient importance?

The Hon'ble Mr. A. MARR: This case was not a question of the loss of life; the accident occurred in March 1928.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state whether if he actually did not inquire, how can he say that the question of the loss of life does not arise?

The Hon'ble Mr. A. MARR: Because the question itself shows that the man was only injured by the falling of a bale.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state in which portion of the question he finds any indication of the fact that there was no loss of life?

The Hon'ble Mr. A. MARR: I assumed that from the nature of the question.

Maulvi ABUL KASEM: I want your ruling on a point of order, Sir. When a question is put and notice is given 15 days before it is answered, is it not the duty of the Member of Government to make all the necessary inquiries, and to give all information required?

Mr. PRESIDENT: I hope this is always done. At any rate it should be done.

Maulvi ABUL KASEM: Mr. President, what steps are you going to take when this is not done, and such information is not given.

Mr. PRESIDENT: The question does not arise because there is nothing before me to show that the House has not been fairly treated.

Bengal Government Press, injury received by an inkman and a binder.

***24. Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that an inkman and a binder of the Bengal Government Press, while on duty, suffered injuries on their persons on account of which

they had to attend the Medical College and remain confined there for 17 days and one month and ten days, respectively, in December, 1927, and March, 1928, respectively?

(*b*) Is it a fact that these men were not given any compensation for the period referred to in clause (*a*)?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons why compensation was not given as enjoined by section 3 of the Workmen's Compensation Act?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) As regards the inkman, a reference is invited to the reply given to starred question No. 15 put by Maulvi Latafat Hussain on the 9th February last. The binder was injured on the hand on 19th March last; his injury was at once dressed, and he was taken by the Overseer in a car to hospital where he was treated. The man was certified as fit for light work by the Resident Surgeon of the Medical College Hospital on the 30th March. Both men received every attention and consideration in the Press. They received hospital treatment as outdoor patients: their injuries were not such as to require their detention in hospital.

(*b*) Yes.

(*c*) The Workmen's Compensation Act does not enjoin that compensation should be given in these two cases.

Mr. SUBHAS CHANDRA BOSE: With reference to the reply to (*c*) will the Hon'ble Member be pleased to state whether any legal opinion was taken on this question?

The Hon'ble Mr. A. MARR: No. The Factory Inspector inquired into both cases, and reported that the injury was due to the man's own negligence.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether there was any complaint or application received from the injured man for payment of compensation?

The Hon'ble Mr. A. MARR: No.

Bengal Government Press, treatment of men discharged because of reduction.

***25. Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether there

is a rule which provides that men whose services have been dispensed with because of "reduction" should get preference before all others when vacancies occur again in similar places?

(*b*) Is it a fact that one machine-man and six inkmen were dismissed in December, 1927, and January, 1928, on account of a "reduction"?

(*c*) Is it a fact that new hands have been taken to fill up the places of these men in April and May last?

(*d*) If the replies to (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Member be pleased to state the reason thereof?

The Hon'ble Mr. A. MARR: (*a*) No.

(*b*) The services of some temporary men were dispensed with on account of reduction of work during the period in question.

(*c*) No.

(*d*) Does not arise.

Typists and copyists in the Judge's Court, Dacca.

***26. Rai Sahib REBATI MOHAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the High Court's General letter No. 8, dated 23rd June, 1921, as regards the remuneration and appointment of the typists and copyists in the Judge's Court of Dacca has been given effect to by the District Judge of Dacca?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the average maximum and minimum income of the typists and copyists of the Judge's Court of Dacca from January, 1927, to January, 1928?

(*c*) Is the Hon'ble Member aware that as many as 11 typists and copyists have been appointed by the District Judge of Dacca in February, 1928?

(*d*) Will the Hon'ble Member be pleased to state whether those new 11 appointments are in contravention of any Government Circular prescribed for the remuneration and appointment of typists and copyists?

(*e*) Is it a fact that after the appointment of 11 typists and copyists in February, 1928, the average income of the typists and copyists has gone below the minimum as prescribed by the High Court's Circular and General Order?

(*f*) Is the Hon'ble Member aware that the typists and copyists made a representation to the District Judge of Dacca in April, 1928, specifying their grievances therein with respect to their income having appreciably fallen on account of those new appointments?

(*g*) If so, will the Hon'ble Member be pleased to state what orders were passed by the District Judge on the said representation?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) The average maximum and minimum earnings of a typist were Rs. 113 and Rs. 72, and those of a copyist Rs. 66 and Rs. 45, respectively.

(*c*) Five copyists were promoted to be typists and 5 extra copyists were appointed by the District Judge of Dacca. The 5 extra copyists were taken into the offices of the District Judge and the Subdivisional Munsifs as a result of observations made by the High Court on the quality of the work of the typists and copyists and the delay in issuing copies to litigants.

(*d*) No.

(*e*) No.

(*f*) Some typists and copyists submitted a representation to the District Judge praying for the dismissal of the newly appointed men.

(*g*) It was rejected by the District Judge.

Unstarred Questions

(answers to which were laid on the table).

Flood in the Contai subdivision, steps for the prevention of.

23. **Babu PROMOTHA NATH BANERJEE:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether adequate steps are being taken for the prevention of flood in the Contai subdivision?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to give a detailed account of the steps that are being taken?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) The detailed steps which are being taken are—

(*i*) A general investigation on the Kaliaghye river to see whether water can be made to pass into the Russulpore river through an escape channel to be dug.

(*ii*) Silt clearance of the Kaliaghye river.

(*iii*) Removal of chak bunds which obstruct the free flow off of the floods in the Kaliaghye.

(*iv*) Drainage of the Sadar khal basin.

(*v*) Drainage of the Bara Chowka basin.

(*vi*) Construction of a sluice at the mouth of the Amrakhali khal.

(*vii*) Improvement of the drainage through the Pichaboni sluice more especially where the water crosses the Orissa Coast Canal.

(*viii*) A new sluice for the Panipia basin in the Seally khal.

Drainage of the fields of Kandaghosh village in Burdwan.

24. Babu PROMOTHA NATH BANERJEE: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that a considerable portion of the adjoining paddy fields of the Kandaghosh village in the Burdwan district remains under water throughout the whole year as the natural drainage outlet is choked up by the deposit of sand during the Damodar flood?

(*b*) Will the Hon'ble Member be pleased to state whether the Government intend to take steps for the proper drainage of the fields?

(*c*) If so, when is it proposed to take the steps?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) and (*c*) For the proper drainage of the fields a project costing about Rs. 16,352 has been prepared. The Collector of Burdwan will now take the necessary proceedings under the Agriculture and Sanitary Improvement Act VI of 1920.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state what steps are being taken by the Irrigation Department of the Government to remove the deposit of sand, and to clear the water collected during the Damodar flood?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I should like to have notice of this question.

Dress to be worn in courts by gazetted officers.

25. Babu SARAL KUMAR DUTT: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is binding upon the gazetted officers of Government to put on European costume in courts and on official duties?

(*b*) If so will the Hon'ble Member be pleased to lay on the table a copy of the rules or instructions on the subject?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) No, except to a certain extent in the case of District, Additional District and Subordinate Judges, and Munsifs, and Sessions, Additional Sessions and Assistant Sessions Judges, when presiding on the Bench.

(*b*) Copies of the orders are laid on the table.

Orders referred to in the reply to clause (b) of unstarred question No. 25.

EXTRACT FROM HIGH COURT'S GENERAL RULES AND CIRCULAR ORDERS, CIVIL, VOLUME I, PAGE 329.

[Dress of officers of the Judicial Service when presiding in Court.]

8. (*a*) When presiding on the Bench, District and Additional District Judges shall wear, over a dark-coloured coat, a Judge's or King's counsel's gown made of black alpaca, with Barrister's bands.

(*b*) Subordinate Judges and Munsifs, who are not Barristers-at-Law, should likewise wear alpaca gowns similar in colour (blue) to those prescribed for vakils of the High Court [see Chapter XI, Rule 50 (extract put up)], but of the same shape as the gown prescribed for a District Judge by clause (*a*) of this rule. The gown should be worn over a dark-coloured coat or *chaplan* with or without a head-dress.

(*c*) Such members of the Subordinate Judicial Service as have been called to the Bar, may, if they prefer to do so, wear a Barrister's gown and bands.

EXTRACT FROM HIGH COURT'S GENERAL RULES AND CIRCULAR ORDERS, CRIMINAL, VOLUME I, PAGE 236.

[Dress of Sessions Judges, and Additional and Assistant Sessions Judges when presiding on the Bench.]

2. Sessions Judges, Additional Sessions Judges, and Assistant Sessions Judges shall wear, when presiding on the Bench, a Judge's or King's counsel's gown made of black alpaca, with Barrister's bands, to be worn over a dark-coloured coat.

COPY OF RULE 50, CHAPTER XI, HIGH COURT'S GENERAL RULES AND CIRCULAR ORDERS, VOLUME I, CIVIL (PAGE 292).

50. *Vakils* of the High Court, when appearing in Court, are required to wear a blue gown of the prescribed shade, and of the cut and shape of a B.A. gown. The wearing of a head-dress is optional.

Bengal Junior Civil Service.

26. Babu SARAL KUMAR DUTT: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that a deputation of the members of the Bengal Junior Civil Service Association waited upon the Hon'ble Member in charge of the Appointment Department and the Chief Secretary to the Government jointly at Calcutta in November last regarding the pay, prospect and promotion of the service?

(*b*) If so, will the Hon'ble Member be pleased to state the results thereof?

(*c*) Is the Hon'ble Member aware of a feeling of discontent prevailing among the members of the service over their pay, prospect and promotion?

(*d*) If so, what remedies do the Government propose to take in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) and (*d*) As the result of the deputation, it was decided to examine some of the questions which had been raised. This examination is not complete, but it has been decided that the scale of pay shall not be revised, and that the rewards for passing language examinations shall be the same as for members of the Bengal Civil Service. The questions of promotions to the Bengal Civil Service, the removal of the age bar to such promotion, the allowances of Circle Officers and the pony allowance of officers on settlement duty are still under consideration.

(*c*) Yes.

Grand Trunk Canal Project.

27. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state the amount already spent by the Government in connection with the Grand Trunk Canal Project?

(*b*) Why did the Government spend this amount without the sanction of the whole amount by the Legislative Council?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) The amount spent on the Grand Trunk Canal Project is Rs. 11,35,780. Originally the dredger *Ronaldshay* was purchased specially for the purpose of the canal and was included in the Grand Trunk Canal Project; but subsequently the dredger has been separated from the project and is being treated as a separate project, like the other dredgers *Cowley* and *Burdwan*. The cost of the dredger *Ronaldshay* is Rs. 54,00,000.

(*b*) The amounts spent on the canal were voted by the Legislative Council.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state how a dredger could be a project itself?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The dredger is being employed on other projects.

Mr. SUBHAS CHANDRA BOSE: The cost of the dredger is stated as Rs. 54,000,000; will the Hon'ble Member be pleased to state whether this amount was voted by the Legislative Council?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Yes.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state since when the *Ronaldshay* has been considered a separate project?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I cannot remember.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to lay on the table a copy of the note of the Counsulting Engineer of the Government of India asking for a review of the Grand Trunk Canal project?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It is not ready at present.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state on what project the dredger *Ronaldshay* is now employed?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I cannot say.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state what is the amount of expenditure which is involved in this project, namely the *Ronaldshay*?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I should like to have notice of this.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether we are to take it that Government will not lay the report on the table?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Not at present.

Point of order.

Srijut NAGENDRA NATH SEN: With reference to note (*1*) of Standing Order 30 of page 284 of the Manual, I beg to be informed whether the Legislative Department circulates questions as suggested in note 1 of this Order.

Mr. PRESIDENT: What is your point; it is not clear.

Srijut NAGENDRA NATH SEN: Standing Order No. 30 says "It is not right for a member to give publicity to a question of which he has given notice unless and until it has been admitted and published in the question paper which is circulated by the Legislative Department." Are these question papers circulated?

Mr. PRESIDENT: The papers are not circulated to members, but are always placed on their seats.

Mr. JOGESH CHANDRA GUPTA: With reference to the former question, I wish to know whether the report will not be laid on.....

Mr. PRESIDENT: We are not dealing with that question any more.

DEMANDS FOR GRANTS.

25.—Jails and Convict Settlements.

MEMBER in charge of DEPARTMENT of REVENUE (JAILS) (the Hon'ble Sir Provash Chunder Mitter): With the permission of His Excellency the Governor I beg to move that a sum of Rs. 38,592 be granted for expenditure under the head "25.—Jails and Convict Settlements" to meet the cost on account of revision of pay of the warder establishment in Bengal during the current financial year.

Sir, in paragraph 6 of the Bengal Jails Enquiry Committee it was pointed out that the first step for the improvement of jail administration was to improve the salary of the warders. The present scale of pay of the warders is Rs. 16 to Rs. 20 with an increment of Re. 1 at 3, 7, 10 and 17 years of service. Out of this sum he has to find food in support of his family. The work of a warder is an extremely uncongenial one. He has to live a good part of his life in the jail. Under present conditions and with the demand for an increase of wages it has become necessary in the interest of efficient administration to increase the present scale of pay of the warders. All the members of this House have been supplied with the details of the increments and I do not propose to repeat the figures that have already been supplied to the members.

Babu BEJOY KRISHNA BOSE: I beg to move that the demand of Rs. 38,592 under the head "25.—Jails and Convict Settlements" be reduced by Rs. 100 (all attempts to raise a discussion on the Pearson Committee Report in Council by Resolutions were unsuccessful and to protest against the acceptance of a particular recommendation only).

I will give my reason why I have moved this motion. I wanted to raise a discussion on the demand, because we failed to raise any discussion on the report of the Pearson Committee though we had tabled several resolutions upon it. I protest against the acceptance of only one of the recommendations without giving the Council an opportunity to discuss the whole report. In the memorandum circulated to all members of the Council, it is stated that the Indian Jails Committee have recommended an increase of pay of warders. For myself, I have not seen the report of that committee, but I have heard of many of the good recommendations made in that report with regard to the improvement of the lot of the prisoners. It is strange that these recommendations for improvement of the condition of prisoners have not been introduced simply because Government have no money. With regard to the report of the Pearson Committee I find that this committee also

in paragraph 6 endorsed the recommendations of the Indian Jails Committee. This report was published in April, 1927, and after that in the July session last year as well as in other succeeding sessions, we wanted to raise a discussion by means of resolutions and in our resolutions we had asked that no effect be given to that report until the Council had had an opportunity of discussing the whole thing. But what has been our lot in this Council? Non-official days are so limited that there is not the least opportunity of moving any resolution on an important public question in this House, and the non-official days were not extended to afford that opportunity. However, through the courtesy of the late Maharaja of Nadia, I obtained a copy of the committee's report, and I saw that there were many things in this report, which makes it necessary, before the Government could take any action on any particular recommendation that this Council must have its say on the whole thing. There are recommendations made with regard to the after-care of prisoners, with regard to the classification of A and B class jails, with regard to the distinction between habitual and non-habitual prisoners, but as all these things require money, and Government have no money, therefore no effect was given to these recommendations. But Government now find that they have sufficient money to increase the pay of the warders which for the 4 months remaining, November to March, will come up to over Rs. 38,000, and this will involve the province in a recurring expenditure of Rs. 1,19,808 a year. Sir, this report was published in April, and in November, Government published a resolution on it and in paragraph 6 of that resolution of Government, dated 28th November, 1927, I find this:

"The Governor in Council has accepted the recommendation of the Committee, that the first step towards the remedy of all defects is to increase the pay of the warder and to improve the conditions of his service. The administrative approval of Government has been accorded to an increase in the pay of the warder establishment at an estimated recurring cost of about Rs. 38,000."

In November, 1927, Government stated that the recurring expenditure would be Rs. 38,000. I took it that that was the annual recurring expenditure to which sanction was given. Now, the sanction of this Council is asked for Rs. 38,000 for 4 months only, which means a recurring expenditure of Rs. 1,19,808 for a year. I should like within the short time at my disposal to ask whether Government is justified at this time of famine and scarcity to come up with a proposal like this for increasing the pay of warders and constables and sergeants of the Bengal and Calcutta Police.

3-30 p.m.

Now, Sir, reference has been made to paragraph 6 of the Pearson Committee's Report, and the opening line of that paragraph is this:

"The first step for the remedy *of these defects* is to increase the pay of the warder and to improve the conditions of his service as recommended by the Indian Jails Committee." Sir, mark the words "of these defects." What are these defects to which reference is made? These defects are to be found enumerated in paragraphs 3, 4 and 5 preceding the paragraph 6, and I would like to draw your attention, Sir, to one or two points. It is stated in paragraph 3: "As a result of our enquiries we have formed the general conclusion that the state of discipline among the prisoners is not positively bad." Therefore we start with this that the result of the enquiries showed that the discipline amongst the prisoners, to control whom the warders are appointed, is not positively bad. But what they found was "the standard of efficiency of the staff, however, specially of the subordinate ranks, is by no means satisfactory." The prisoners are all right, their discipline is not bad, but the efficiency of the warders is not satisfactory. Therefore the warders' pay should be increased. Why is the efficiency not satisfactory? Grounds are given here. The Committee found: "The jailor and his deputies and assistants are overwhelmed with office work and spent only a small portion of each day inside the jail." Therefore, it is curious logic, as the jailors and his deputies are overwhelmed with work in their offices they cannot control the actions of the warders. Therefore the warders are inefficient, and in order to make them efficient their pay should be increased, not that the jailor and his deputies should pay more attention to warders. The next argument is nicer still, and it is this: "The Superintendents also are too much tied down to office work and give far too little time and care to active supervision inside the jail and personal interest in the prisoners." Therefore the pay of the warders should be increased! This is indeed curious logic. This is a Government document and this is a Government motion: therefore everything is possible. If such arguments were advanced by a non-official body or a member of this Council it would have been said that he was irresponsible. Here is the report from which I have quoted. You come here for the purpose of obtaining a grant with your solid official majority but are these sufficient reasons for moving for this grant? They are inefficient because of two things: the jailors and his deputies cannot look after them and the Superintendents of jails—Civil Surgeons and others—have not the time to look after them. Therefore in order to make them efficient their pay should be increased.

Towards the end of paragraph 5 we find it mentioned: "It was stated before us that you might as soon expect to see the Sun rise in the west as to extirpate the habit of illegal gratification in a warder." However, the Sun will rise in the west if you increase the pay of the warders from Rs. 18—25 to Rs. 22—26; and the wonderful phenomenon will take place, namely, the Sun will rise in the west. My friend, Mr. Mumin, I find is a signatory to this precious document. I say it

is a curious proposition, and having regard to the fact that it is definitely mentioned in this report, that the first step for the remedy of "*these defects*," is an increase in the pay of warders, whereas the first step should be to enforce discipline among warders and their control by superior staff. I appeal to you to consider whether you can spend Rs. 1,19,000 of the people's money every year in increasing the pay of the warders simply to prevent the smuggling of tobacco, etc., from outside. However much you might seem to think that by increasing the pay you will improve matters I do not think that you will attain your object. I submit, therefore, that if you consider this matter in an unbiased spirit you will turn down this proposal till such time as the whole report is considered by this House and opinion is passed upon it.

Mr. KIRAN SANKAR ROY: I congratulate the Hon'ble Member on the first demand he has made in this House after his translation from the "voted" to the "non-voted" chair. It is a matter of great wonder that whenever a demand is made for different improvements in the Jail administration, the cry is always—the want of money. As my friend, Mr. B. K. Bose, has said, when demands were made for the classification of prisoners and the after-care of prisoners on release we heard the same story, viz., the want of money. When any request is made for any sort of reform except the increase of the salary of warders or other officers we hear again the same story. We all know that this Pearson Committee's report has made certain recommendations, some of which, Mr. B. K. Bose has said, are really good: but the only two recommendations which Government have so far accepted are, firstly, the taking away of the privileges that have been enjoyed by the political prisoners in jail and, secondly, the increase of the salary of warders. Since the privileges of political prisoners have been taken away, there has been no classification in jail except as regards the classification of Europeans and Indian prisoners. It may surprise the members of this Council to know that a European prisoner to-day in jail costs the rate-payers 14 annas per diem and an Indian prisoner 3 annas per diem. So classification prevails even when they are convicts in jail. For the luxury of 14 annas spent on a European prisoner the yield by his labour amounts to 7 annas while an Indian prisoner on whom 3 annas is spent yields 12 annas. This is the only classification which prevails in jails.

In Madras, I believe, there is a system under which a prisoner may appeal for release on certain grounds and a properly paid lawyer is employed for the purpose; and here in Bengal the whole matter rests with the prisoners themselves, with the result that in very few cases the appeals are successful. In 1926, in Madras the number of convicts who were released on appeal was 2,655 while in Bengal only 509 prisoners were released. These are improvements which ought really to be made;

instead of doing these the Hon'ble Member comes forward with a demand for increasing the salary of warders. I believe, Sir, that in 1921, there was an increase in the salary of warders—with what result? Even after that increase the number of contraband cases was 2,465. In 1923, the number had increased to 2,931 and in 1926 the number was as high as 3,599. This is indeed efficiency! I am sure the result of an increase of salary in 1928 will be just the same as before.

My last point, Sir, is that the Hon'ble Member in charge would have done well to spend whatever money available on the education, recreation or any other reformatory work for prisoners and not to put forward a demand of this nature just at the outset of his career.

With these words, Sir, I oppose the demand.

Babu AMARENDRA NATH GHOSE addressed the Council in Bengali, the English translation of which is as follows:—

"I stand to oppose the demand for the increment of warders' pay. As long as famine is in existence in Bengal no demand for any other matter except for the relief of famine should be allowed by this House. In the famine-stricken area while the people are selling their wives and children for a morsel of food and the Government is not in a position to remove their distress for want of fund—it is curious to see that the Government is not ashamed of increasing the pay of their favourite servants. This is simply disgraceful.

The Inspector-General of Prisons is drawing Rs. 30,000 yearly, Superintendent of Presidency Jail Rs. 27,600. Superintendent and Deputy Superintendents draw Rs. 63,100. If they are, or the Government are really eager to increase the pay of the warders, let them pay from the pay of those high officials—and give this amount of the present demand for the relief of the famine-stricken people. It is a sin to support the resolution of this demand at the psychological moment of the country. Secondly, Sir, though according to the opinion of the Government the warders are not sufficiently paid, their earnings are not poor. If you inquire into the Post office, you will find that double the amount of their pay is sent to their house every month. I challenge the Government to prove a single instance that any warder was ever seen to purchase any vegetable worth one pice. Such is the case with oil, dal, etc. They are supplied with clothings and lodging, etc. I had the fortune to be their companion for more than once, when I had the opportunity to study them thoroughly. If the Hon'ble Member goes with me in disguise I can show him what are the sources of the warders' income. I will be able to show him the cause of the mysterious disappearance of dhoti, gamcha, blankets, etc., from the jail. When I was at Mymensingh jail one day we got one *ghati* (jug) in a bucket full of pure milk. It was known to us water could be mixed with milk, but we were astonished to see that an attempt had been made to adulterate the

milk by mixing a *ghati*. On enquiry it transpired that when a warder was taking away the milk in his *ghati* from the bucket a superior officer approached and the man went away, leaving his pot in the milk. I can cite many examples like this, and many sources of their income, but it is unnecessary. On the whole at the time of distress we will not help these people."

3-45 p.m.

Mr. SUBHAS CHANDRA BOSE: I rise to oppose this demand in its entirety. I am one of those members who do not frequently rise to inflict speeches on this House, but due to the courtesy of the benign Government I have acquired some experience of Indian jails and I am determined to-day to give the House the benefit of my wisdom. I oppose this demand for grant for several reasons. The first reason is—as my friend Amar Babu has just pointed out—that so long as famine prevails in this province we are not going to grant a single pie for increasing the pay of warders. The second reason is that the children of the soil—I mean the people of this province—are not appointed jail warders. I see no reason why we should not have Bengali warders to take charge of Bengal jails. A similar question was raised in Burma some time ago and the political leaders of Burma objected to the non-appointment of Burmans as jail warders. The reply of the Burma Government was that Burmans were not prepared to come in as warders on the existing salary. To this the reply of the Burman leaders was that in case a higher salary was required in order to get Burmans to serve as jail warders the Burma Legislative Council would be prepared to vote such a grant. If this Government also comes forward with a demand for increasing the salary of warders only on this ground, namely, that they would appoint Bengalees as jail warders, then I shall be prepared to consider such a demand. But as long as Bengalees are deliberately kept out of this department, I see no reason why we should accede to this demand on the part of Government.

Sometime ago I made an offer to Government—an offer of co-operation, with regard to the Jail Department and I wrote to the Hon'ble Member in charge to say that I was prepared to serve as a non-official visitor to the jails in Calcutta. That was several months ago. After a long time a reply came to the effect that the matter had been referred to the Commissioner of Police by the Member-in-charge. I was astounded; I do not see any reason why this matter should have been referred to the Commissioner of Police while my application was to the Hon'ble Member in charge of Jails.

Then I should also point out that an increase in the salary of the jail warders will in no way increase their efficiency. Temptations in the path of these jail warders are many, and so long as our prisoners

are not allowed smokes, are not allowed any extra food on certain days in the year, are not allowed indoor games and other concessions recommended by the Indian Jails Committee of 1919-21, it will be impossible to prevent malpractices on the part of warders simply by raising their salary. I am surprised that the Bengal Government have not chosen fit to bring up the report of the Bengal Jails Enquiry Committee before the Bengal Legislative Council for an expression of their opinion. Not only that, they have refused to take action on the report of the Indian Jails Committee, 1919-21. That committee submitted a very carefully considered and a very wise report. But unfortunately hardly any action has been taken on that. I for one did not consider it necessary on the part of Government to appoint another committee to consider the matter when the same question had already been considered in great detail by the Indian Jails Committee in 1919-21. The point is that the recommendations of the Indian Jails Committee which refer to improvement of the lot of prisoners have been deliberately ignored and only those recommendations which refer to the staff, viz., jailors, warders and superintendents, etc., have been taken cognisance of and given effect to. We who have some experience of the inside of Indian Jails know it for a fact that until and unless there is a considerable improvement in the lot of prisoners, no amount of increase in the salary of jailors, warders and superintendents will effect any improvement in the jail administration. If Government really mean business, if they want to improve the efficiency of the jails their first and foremost duty would be to improve the lot of prisoners. In 1921-22 when the non-co-operators packed the jails and there was a clamour for special treatment for political prisoners, a temporary arrangement was made whereby Government selected special class prisoners and arranged better treatment and diet for them. But as soon as the non-co-operators left those jails, that rule was withdrawn and as far as I am aware, there are only one or two special class prisoners in the Bengal jails now. This is another improvement which is urgently required.

There is another matter to which I should refer and that is that the Bengal Government have started extending their hospitality to the political prisoners of other provinces. This is no news to us. We have been in jails outside Bengal and while I was in a Burma jail I remember having read a discussion in the Burma Legislative Council in which the Home Member to the Government of Burma said that they were extending hospitality to Bengal détenus because they expected the Bengal Government to reciprocate. It now appears that some of the political prisoners from Burma have been sent to the Bengal jails. It is for all these reasons that I rise to oppose the demand in its entirety. When the improvement in the lot of prisoners is carried out to the satisfaction of the public, it will then be time for us to increase the salary of the warders.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have listened with close attention to the speeches of my friends on the right and I propose to take the observations of the members in the order in which they have been made. Babu Bejoy Krishna Bose tried to make two points: The first point was that no opportunity was afforded to the members of this House to discuss the report of the Bengal Jails Committee and that Government should not have issued their Resolution of November, 1927, without giving them that opportunity. I would like to point out in that connection that the report of the Pearson Committee is dated the 21st April, 1927, and the Government Resolution is dated the 28th November, 1927. In the meantime, in August, 1927, a resolution was tabled for discussion of this particular question but there was a matter which the members of the Council thought was a matter of greater importance, namely, the question of passing a vote of no confidence on the then Ministers. As a result of that this particular matter could not be taken up and debated. If Government waited from April till November it cannot be said that Government did not wait sufficiently long. On the other hand, suppose the Government had waited longer, then, I am sure, some critics of Government would have said: here is a report and you are sitting tight over it and taking no action. If the mentality of the critics be that however much government may be limited in its wisdom—Government do not claim all the wisdom—if they desire to do good according to its own lights, if the mentality be that Government must be criticised then I am afraid that such criticisms will always be forthcoming.

Mr. SUBHAS CHANDRA BOSE: What about the prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am thankful for this interruption. If the object be to do good to the prisoners and not to the warders I take it that an efficient set of men who will be a trifle above corruption if possible, whose temptation would be a trifle less, is certainly an attempt to do good to the prisoners. In this connection I would like to point out that Mr. B. K. Bose read certain passages from paragraph 3 of the report. He read this passage: "An ordinary prisoner is as a rule docile and amenable to discipline." Then the next passage is this: "The standard of efficiency of the staff, however, especially of the subordinate ranks, is by no means satisfactory." Then the passage immediately following is this: "the warders who are underpaid and overworked receive little or no previous training, are at the best listless in the performance of their duties and at the worst connive at or even act as the main agents in many of the breaches of jail discipline on the part of the inmates." He omitted to read that passage but went on to read another passage.

Babu BEJOY KRISHNA BOSE: I did not intentionally omit it.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am glad my friend whom I hold in very high esteem has offered his explanation and I accept it wholeheartedly. My point is that that passage was not read and I have not the slightest doubt that there was no intention behind it.

If that is the most relevant passage then I trust even my friends on the right who we all know are very solicitous of the interests of the prisoners.....

Babu SUBHAS CHANDRA BOSE: Because most of them were prisoners.

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, that may be a very good reason for their solicitude, but never mind what the reason may be. They are solicitous of the interests of the prisoners and as the efficiency, purity and discipline of prison administration depend on the ranks of the prison staff, namely, warders, if the misguided Government put forward a plea for increasing the salary of the warders, they are criticised. Arguments appealing to sentiment may be put forward but certainly, about jail administration, I venture to submit that my friends on the right, when they think over the matter, will agree that it is a move in the right direction. Because, if you have a set of under-paid workers, and if they have to work on a miserable salary of Rs. 16 to Rs. 20 a month within which they have to support their family, and when there is an all-round demand for increase of wages—increase of wages under labour conditions far more congenial than labour conditions of the warders—I submit that it is desirable that the wages should be increased. And I would ask my friends to the right to reconsider their decision. We want to try to improve the present jail administration, and with that object we have put forward this demand. Therefore, if it is a move in the right direction, if it is more conducive to, and more effective for, better discipline, I hope they will reconsider their decision in the matter.

Dr. BIDHAN CHANDRA ROY: May I ask a question of the Hon'ble Member through you, Sir? The report says something about over-worked and under-paid warders and something about previous training. May I ask has any arrangement been made for giving any previous training?

The Hon'ble Sir PROVASH CHUNDER MITTER: Under present conditions and on the present pay it is not possible to make any arrangements for previous training. (Laughter). I know the object of some of my friends here is not to help me in improving the jail administration, but to show that every member of Government is bent on doing wrong, to utilise the political weapon even if Government want to do some good.

Dr. BIDHAN CHANDRA ROY: Does the Hon'ble Member object to our asking any question?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, I do not. But I am objecting to the derisive laughter. I am very thankful to Dr. Roy for asking the question.

Dr. BIDHAN CHANDRA ROY: Surely, I cannot help that.

Mr. SARAT C. BASU: May I ask for an information? Is it the idea of Government to increase the pay of those warders who have been described in the report as listless in the performance of their duty?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is the idea of Government to attract a better set of people. If my friends will do me the courtesy of hearing me, there will be less occasion for these occasional interruptions.

However, Sir, to proceed. If we pay better salaries, then it stands to reason that we are likely to attract better men. The men who are already there, if they still continue to be listless, can be dismissed and replaced by better men. Then, I am thankful to Mr. Subhas Chandra Bose for raising one point, viz., that so far as possible we should replace warders from other provinces by warders from this province. (Interruptions.) If my friends will allow me to go on, Sir, perhaps the time of the House will be saved. Now, Sir, I may inform Mr. Bose that that is one of the recommendations embodied in paragraph 7 of the report of the Bengal Jails Inquiry Committee. Mr. Subhas Chandra Bose assured the House that if that was the intention of Government, then he would change his opinion.

Mr. SUBHAS CHANDRA BOSE: The Hon'ble Member has misunderstood me. What I said was that I would consider.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am sorry. Perhaps he was rather rash in making that statement. I hope he will reconsider and I hope we will get the benefit of his consideration.

There is another point which has been put forward. Why was this particular recommendation singled out? Why other recommendations have not been given effect to? I would inform the House that in paragraph 23 of the report, where there is a summary of major recommendations, the only recommendation relating to conditions of service was about the improvement of those of the warder staff. The other recommendations have nothing to do with improvement of conditions of service. They are, as has been pointed out in paragraph 6, consequential on this fundamental point. Unless we have an efficient staff, a contented staff, it would be difficult to give effect to the other recommendations. But I may inform my hon'ble friends.....

Mr. PRESIDENT: Order, order, the time-limit is reached.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I have one or two minutes more. I have to reply to three speeches, and it is impossible for me to cover all the points in such a short time.

Mr. PRESIDENT: I am afraid it is not up to me to exceed the time-limit.

The Hon'ble Sir PROVASH CHUNDER MITTER: I bow down to your decision, but may I make one submission for the future? In proceeding with the debate, no doubt you will give every facility to all members of the House, but I hope in the future you will reserve a suitable period of time for Government Members for replying in view of the large number of questions that arise in the course of the debate. There are many important points in this particular debate which I wanted to cover.

Mr. PRESIDENT: Sir Provash, I am afraid it is not possible for the President to help you in that way when he himself is handicapped, as I am in this matter. The time was allotted by His Excellency the Governor, and it is not in my power to exceed it.

The Hon'ble Sir PROVASH CHUNDER MITTER: When you see, Sir, that the time allotted is 45 minutes, perhaps you can consider whether you should allow the Government Member 12 or 15 minutes for replying.

Mr. PRESIDENT: On the other hand, I would advise a Government Member to grasp his opportunity, when it comes. (Hear, hear).

The Hon'ble Sir PROVASH CHUNDER MITTER: I tried to do this on this occasion, and you pointed to Mr. Bose who was already speaking.

Mr. PRESIDENT: I think I was perfectly right in doing that. Mr. Bose was already in possession of the House. You should have risen in your place earlier.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not for a moment disputing your decision. I bow down to it.

Mr. PRESIDENT: I am very sorry, Sir Provash, that I had to point out the unreasonableness of your request.

The motion that the demand of Rs. 38,592 under the head "25.—Jails and Convict Settlements" be reduced by Rs. 100 was then put and lost.

The original demand that a sum of Rs. 38,592 be granted for expenditure under the head "25.—Jails and Convict Settlements" was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ali, Mr. Altaf.
Blair, Mr. J. R.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghosh Maulik, Mr. Satyendra Chandra.
Ghuznavi, Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat
Ismail, Khan Bahadur Maulvi Muhammad.
James, Mr. F. E.
Khan, Maulvi Tamizuddin.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. D. S.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Parrott, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sanyal, Babu Sachindra Narayan.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Shah, Mr. Gholam Hossain.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.

NOES.

Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Mitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rauf, Maulvi Syed Abdur.
Roy, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Solaiman, Maulvi Muhammad.

The Ayes being 59 and the Noes 43, the motion was carried.

26.—Police.

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): With the permission of His Excellency I beg to move that a sum of Rs. 5,37,000 be granted for expenditure under the head "26.—Police" to meet the extra cost of revision of pay of certain subordinate ranks of the police force during the current year.

It is within the recollection of members of this Council that when the budget estimates for this year were presented, they included a provision of Rs. 4 lakhs for the improvement of the pay of certain ranks in the Calcutta Police. This provision was withdrawn, with your permission, Sir, and Mr. Moberly promised to bring forward at a later stage a demand for a grant to cover the increase of pay of the corresponding ranks both of the Calcutta and Bengal Police. The demand I am now proposing is in fulfilment of that promise. The demand has been explained in the memorandum circulated to members, and the details of the demand are contained in the schedule attached to the memorandum.

The demand falls under two main heads one the increase of pay of constables, both in Calcutta and Bengal, and the other the increase in the pay of Sergeants, both in the Calcutta and Bengal Police. The increase proposed for Head Constables and Assistant Sub-Inspectors of the Bengal Police and for Head Constables in the Calcutta Police are really consequential on the increased proposed for the constables. The minor demand at the end is merely to remove the limitation placed in 1917 on the pay of certain Inspectors who receive a local allowance for certain appointments. Government decided it was unwise to maintain that limitation which prevented these Inspectors from drawing any increment after the 10th year of their service.

Going back to the main proposal regarding the increase in the pay of constables in Bengal and Calcutta, the reason for it, as I have pointed out in the memorandum, is that the present rate is insufficient to enable Government to obtain sufficient recruits to keep these forces up to a sound standard; I also pointed out that the quality of the recruits was declining. I propose now to give certain figures in support of this statement. As you know the last increase of pay was granted in 1920, at that time the number of vacancies in the Calcutta Police was 350 or 7·9 per cent., the next year it fell to 93 or 2·1 per cent., since that it has steadily risen and in 1926 it reached 279 or 6·2 per cent. Last year there was some improvement but even then the percentage came to 5·6 per cent., or nearly 150 per cent. more than it was in 1921 after the last increase of pay. Now this is not due to any improvement in the standard of recruits, or to any rise in demand in connection with the standard. On the contrary, as Government have stated in the memorandum, the quality tends to decline and we have

that difficulty to face as well as the lack of actual numbers. In 1926-27 the Police Surgeon of Calcutta took up this question of the decline in the quality of the recruits, and I shall quote certain statement from his report and from the letter of the Surgeon-General who forwarded his report, and stated that he thoroughly agreed with the deductions made by the Police Surgeon. The Police Surgeon says from his experience of the large numbers of recruits examined up to date he found that "nearly two-thirds of the applicants are men who are in indifferent health, and who are unable to make a regular living in the ordinary market by ordinary labour, which appears to me to be their chief reason for seeking employment in the police." I submit that this is a most unsatisfactory foundation for the efficiency of the police force. The Police Surgeon also says that he has not been insisting upon any particular standard of living, except that the men shall be free from any signs of chronic disease. The result is unsatisfactory and uneconomic. The Surgeon-General in his letter says, "Scarcely a week passes in which the standing Medical Board is not asked to invalid one or more members of the police force for such complaints as tuberculosis, asthma, chronic bronchitis and emphysema."

The percentage of loss to the police force on account of breakdown during their training is steadily increasing. In 1921 it was 26·2, in 1926 it rose as high as 36·6 and the decline in the quality of the men offering themselves as recruits may be gathered from these figures. In 1920 the number of recruits offering in Calcutta who were rejected on medical grounds was 23·1 per cent.; in 1926 it rose to 56·4 per cent. As regards recruits who were brought down to Calcutta, in 1920 the percentage was 6·2 and in 1926 it rose to 33·2, that is more than 5 times what it was in 1920.

Now the wastage under this system is enormous, both when you put these people into the training school and later when you put them out to work. I wonder whether any of the members of the Council realise how hard the life of the police constable attached to police-stations in Calcutta is. When well they never get a whole night in bed; they have to be on rounds either between 10 and 2, or between 2 and 6; and though they never get a night in bed, they have to put in about 11 hours' work a day on an average. It is not surprising, therefore when we have to recruit from such poor material that they break down and the figures show that of those who are invalided 98 per cent. have less than 5 years' service. Though they are expected to do 30 years' service, the number in the force who have more than 25 years' service is not more than 2 per cent. of the whole.

Considerable interest has been taken from time to time in the recruitment of Muhammadans in the police. In 1921 the figure rose to 27·5 per cent., since then it has steadily fallen, and in 1927 it came down to 21·9; this year up to date it is only 17·2.

Now I think these figures make it perfectly clear that something is wrong and when we come to investigate the causes, we find the expert advice given by the Surgeon-General corresponds with the expert advice given by the Commissioner of Police. The Surgeon-General when dealing with the remedies for this state of affairs says "Apart from the insufficient pay which perhaps is the root of the evil the question of leave is a burning one." The question of leave is also the result of the unsatisfactory health and unsatisfactory physique, because as more men break down, and more men go away on medical leave and we have only a limited leave reserve, the number of healthy men who can be granted leave is steadily diminishing. The result is a vicious circle; the healthy men are refused leave because there are so many sick men on leave. The shortage in the force makes it difficult to grant leave save on medical certificate and unless a man is ill or shams illness he cannot get away on leave. So the healthy man goes on serving without leave, and as the Surgeon-General says "the climate of Calcutta is notoriously a trying one."

Mr. KIRAN SANKAR ROY: May I ask the Hon'ble Member. . .

The Hon'ble Mr. W. D. R. PRENTICE: May I ask that I should not be interrupted; I shall answer any questions later on. Because the healthy man does not get leave, he breaks down, and the vicious circle is complete. The difficulty can be got over by a more healthy lot of recruits and Government are perfectly satisfied that you can get a better class of recruits if you raise the pay of these members of the police force. For constables the present pay is Rs. 18—22 rising by an increment of Re. 1 in 3, 7, 10 and 17 years' service. We propose to raise the pay by Rs. 7 bringing it to Rs. 25—29. Out of this the Calcutta constable has to pay Re. 1 a month for washing his white uniform, so that his pay will really be Rs. 24—28. Many members of this Council are aware of the rates of pay offering in Calcutta for men of a good type in various employments—such as durwans, jamadars, factory hands, railway watchmen, telegraph and postal peons and such like. It put it to you whether this rate of pay Rs. 24—28 is at all extravagant for a service in which people are expected to work 11 hours a day and never have a night in bed. I would also remind the Muhammadan members of this Council of the claim that is always made that the mode of living of a Muhammadan is different from that of Hindu, and the cost of living is different, and ask them to consider whether the conditions in Calcutta are such that Rs. 24—28 which we propose to give constables is at all extravagant.

So far for the Calcutta constables. The facts are as regards Bengal are much the same. In 1921 the vacancies were 351, i.e., 1·8 per cent. In 1926 vacancies were 649 or 3·3 per cent., just about double. But in Bengal what is serious is the number of resignations. In 1921 the number of resignations was 502, in 1922 to 1926 1,041, in 1927 it rose

to 1,128. The natural result is that the number of recruits that we have to take in is steadily going up, in 1921 the number of recruits was 1,769, and the number in 1927 was 2,744; we have got a training establishment at Sardah whose capacity is 1,400 only per annum, we have taken double that number of recruits every year, consequently only 50 per cent. of the recruits can be trained, and if we have to go on recruiting on this scale, we shall be forced to come up with proposals for the extension of the school at Sardah up to a capacity of 1,000 men a course or 2,000 per annum instead of the present 1,400 per annum or 700 a course of six months. This means a great increase both in the capital expenditure and the recurring expenditure. In the Bengal Police there have always been complaints about the non-recruiting of Bengalis; we have heard to-day the same complaint in connection with the jails establishment. The facts are that in 1921 we managed to recruit 47·2 Bengalis, but the Bengalis do not like the present terms of service and the percentage of recruits offering in 1927 was only 29·3. Similarly as regards Muhammadan recruits. In 1921 we managed to get 30·7 per cent. Muhammadans, and now the figure is down to 20·9. These figures show conclusively that the rates in the Bengal Police are not sufficient for either Hindus or Muhammadans, and the number of resignations show that the service is not popular. I may say also that the type of recruits to this force is physically not so good as it used to be. In 1921 the number of recruits rejected was 184, in 1927 it was 664. In short, conditions in the mufassal are the same as in Calcutta, the rates offered are not sufficient to attract a suitable type of recruits, or to retain the recruits who do join. Those who read the annual police reports will have noticed the instances given by different Superintendents of Police of men who have been trained resigning and going into service outside on higher wages.

Now, Sir, recognising those facts we have proposed for the Bengal Police an increase of pay from the present scale of Rs. 16 rising by the same increments as in Calcutta to Rs. 20 to one of Rs. 20 rising to Rs. 24 by the same increments. I suggest that those who come from the mufassal, and know the rates they will realise that this is by no means an extravagant demand.

The second main demand, as I have said, is the demand for an increase in the pay of Sergeants.

But before touching the Sergeants I propose to refer shortly to the consequential demands for an increase in the pay of head constables and in Bengal of the Assistant Sub-Inspectors. At present the Head Constable in Calcutta gets in his first year in the rank Rs. 7 more than the minimum pay of the constable. We propose to maintain this difference and give the Head Constables in Calcutta an incremental pay of Rs. 32—1—42 instead of the present pay of Rs. 25—1—35. In the Bengal Police the Head Constable gets Rs. 24—27—30 so that his minimum

pay is Rs. 8 more than the minimum pay of the Bengal constables. We have continued this difference but altered the scale slightly to Rs. 28—½—35 and given him an incremental pay as in Calcutta but with biennial increments.

We also propose to give a slight increment to Assistant Sub-Inspectors of the Bengal Police. The present rate is Rs. 25, Rs. 30 and Rs. 35, we propose to make it an incremental pay up to Rs. 40. Last Saturday I met a deputation of the Bengal Police Association which represents all ranks from the Deputy Superintendent downwards. At the end of the discussion when I had explained that in the present financial condition of the province Government were unable to hold out any hopes of increments to the other ranks of the police, I was asked by senior members of the deputation, if there did happen to be any money available, to use it for increasing the pay of the Assistant Sub-Inspectors, as they were the people who are worst off. This is the view taken by the Bengal Police Association and shows how acceptable the proposal to increase the pay of the Assistant Sub-Inspectors of the Bengal Police is to the police themselves. Of course they would have liked a larger increment but we cannot afford it.

We have not proposed an increment for Assistant Sub-Inspectors in Calcutta because we are informed by the Commissioner of Police that though the rates are not those which he would like to have, he does not feel justified in asking for an increment in the present financial stringency because he can get an ample supply of recruits of the type he wants for these posts at the present rates.

Now passing to the case of the Sergeants and taking the case of the Calcutta Sergeants first, the Council is aware that the last increase in pay was sanctioned in 1920. The result was very satisfactory. In 1920 there were 22 vacancies, in 1921 3 vacancies and in 1922 none. But since then we have never had our force of Sergeants up to strength, and at present the number of vacancies is 33 or 15·3 of the total strength. Last year the number of resignations was 34 and up to the middle of this year the resignations have been 19, which is just 10 per cent. of the force.

Now the idea has always been in Calcutta to obtain a good type of man who comes straight from the Army who has not forgotten during a spell of civil life the lessons of discipline which he has learnt during his period of service with the colours. In the past we had no difficulty at all in getting that type of man, but the position is absolutely different now. I will give you a very striking example of what I say. In 1926 we had 100 temporary men as acting Sergeants from two British regiments. They knew that we were on the look out for men to fill the vacant posts of Sergeants but not a single one of these men joined and the Officers Commanding the regiments told the Commissioner of Police

that they would not permit their men to join, and would do all they could to prevent them from joining the service as the present conditions were such as to make it impossible for them to live decently, and to maintain the standard of living to which they are accustomed. That is the attitude taken towards this service by the type of recruit we require for our service, and which we have always tried to obtain. The number at present in the force who have military training is somewhere about 64 per cent., and out of 120 who recently applied for recruitment forms and enquired about the conditions of service, only 24 returned the forms.

This is very largely due to a factor which is outside our control, and that is the increase in the rates of pay in the British Army. I do not know whether the members of the Council realise what privileges a man in the British Army has compared with those as a Sergeant in the Police. In the British Army a man gets a passage home at the end of 6 years' service, with some months' leave; he gets free medical attendance for himself, his wife and his family, he gets free rations for himself, his wife and his family, he gets free warrants to and from the hills for himself, his wife and his family; his children also get free education. When he joins the Calcutta Police he gets nothing at all except free medical attendance for himself. It is not surprising therefore that the number of candidates applying from the British Army is steadily falling.

In the Bengal Police the position is practically the same; we are simply not getting the type of man we used to get, the old army man with good record, who is about to retire from active service and desires to take up civil employment. At present only 19 out of 51 Sergeants of the Bengal Police are ex-Army men.

In these conditions the question arises as to what we are going to do. One solution is of course to abolish the Sergeants. Well, after the experience of 1926 I do not think anybody in Calcutta will support the abolition of Sergeants. I would also remind the Council that in August 1926, closer to the time of the Calcutta riots, this Council agreed unanimously to our supplementary demand which included a provision to increase the force of Sergeants by 50 men.....

Dr. BIDHAN CHANDRA ROY: Our party on this side of the House was absent then.

The Hon'ble Mr. W. D. R. PRENTICE: Whoever was present, the decision was unanimous as shown by the proceedings of the House.

In the mufassal recently the conditions were much the same as in Calcutta in 1926. We had trouble recently in Howrah, and we had to import Sergeants from all over Bengal in order to strengthen the police and control affairs there. The District Magistrate himself asked for these men. And I am told that the same applies to conditions in Asansol

during the railway strike. The Deputy Inspector-General was immediately approached to send Sergeants and help the situation there. It was only the fact that Sergeants were not available which prevented the Deputy Inspector-General from complying with the request. So I say that the abolition of Sergeants is not possible in present conditions in Bengal.

In Calcutta there can be no question of reducing the number. In the mufassal we have taken up the question whether a number of posts held by Sergeants cannot be removed from the list and Indian Army officers substituted: that will mean a very small reduction.

The other alternative is to raise the rate of pay so that we may have some chance of getting all the men we want. Government have proposed to do this and the proposals have been set forth in the memorandum which has been circulated. In Calcutta we propose to raise the pay by Rs. 50, viz., from Rs. 150—5—200 to Rs. 200—5—250. In the mufassal we propose to raise it from Rs. 135—5—175 to Rs. 175—5—225, but we have taken advantage of this opportunity to abolish the allowances enjoyed by the Sergeants in certain localities, and have decided that if the pay is increased in the manner set forth in the memorandum, practically all the allowances will be stopped.

Now, Sir, these are the items which are included in the demand which I ask this House to grant. Government would not have put forward this demand in the present financial situation had it not satisfied itself that the conditions were such that this demand could not be avoided. Before the demand was put forward the question of retrenchment in other branches of the police was carefully examined. The Commissioner of Police forwarded certain suggestions which he said that it might be possible to adopt if it was absolutely necessary, but he could not recommend them in the interests of public service. The same thing was done by the Inspector-General. Government examined the proposals and reluctantly came to the conclusion that there was no alternative to submitting this demand for an extra grant.

Mr. SUBHAS CHANDRA BOSE: On a point of order, Sir. Is the Hon'ble Member entitled to speak so long, when two hours is the whole time allotted for the discussion of this item?

Mr. PRESIDENT: The Hon'ble Member is entitled to speak for half an hour: and his time is not yet over.

The Hon'ble Mr. W. D. R. PRENTICE: The proposals after having been approved by the Police Department were considered by Government as a whole, and Government were satisfied that they could not escape this responsibility.

(At this stage the Hon'ble Member having reached his time limit was allowed 2 minutes to conclude his speech.)

In the interests of public safety Government could not refuse this demand. The Police Standing Committee has authorised me to say that these proposals have their support and I can assure the Council that these proposals were carefully examined by them.

There is only one more point to which I desire to refer. The Hon'ble Mr. Moberly said that proposals would be brought forward to take effect from the 1st September. You will notice in the memorandum that the increase is now proposed to take effect from the 1st November. The Finance Department asked recently, in view of the conditions in Dinajpur and other places, for which money had to be found whether we would agree to postpone the introduction of these improvements in pay for a couple of months. The Inspector-General and the Commissioner of Police were consulted, and recognising that the need in Dinajpur was great, agreed to the postponement on condition that we did not reduce the demand further. So the demand now put forward is for 4 months instead of 6 months, and on the facts I have disclosed, I submit that it is absolutely unavoidable.

[At 4-50 p.m. the Council was adjourned and it reassembled at 5 p.m.]

Babu BEJOY KRISHNA BOSE: I beg to move that a demand of Rs. 5,37,000 under the head "26—Police" be reduced by Rs. 5,00,000.

Two things which have struck me as the outstanding feature of this demand are, firstly, that a demand is now made for Rs. 5,37,000 for 4 months only and ultimately a demand for a recurring expenditure of Rs 18 or 19 lakhs is going to be made at a time when half of this province is passing through famine, starvation, poverty and death. It seems to me that if we vote for this demand we shall be playing the part of "Nero fiddling while Rome was burning." The second feature which struck me is that Government is no less communal than anybody else. The new feature of the memorandums which are being sent to us in explanation of the demands is to the effect that this demand or that demand would be more beneficial to this community or that community and an effort has been made on page 2 of the note, to prove to the House that a great difficulty is felt in the recruitment of Muhammadan constables and head constables. Sir, the object is plain in spite of the facts and figures which have been given by the Hon'ble Mr. Prentice; and that object is to catch the votes of the Muhammadan councillors of this House. I am sure, Sir, that the efforts made by Government in this connection will not be successful in this instance. The question of police reform and the increment of the pay of that force is a very very old question. If I remember aright, Sir, it was in 1902 that a Police Commission was appointed by

Lord Curzon which was presided over by Sir Andrew Fraser. Though that Committee submitted its report, the report did not see the light of day for two years. Many good things were recommended for improvement of the police. Ultimately some notes appeared in the *Times* of London in spite of the Official Secrets Act and we found that ignoring the wholesome recommendations of the Police Commission Government tried to create a "steel frame" for the Police Service. A competitive examination was started in London, so that Europeans, to the exclusion of Indians, might enter the higher ranks of the police service. I remember, Sir, that it was in the year 1904, at the session of the Indian National Congress held in Bombay under the presidency of Sir Henry Cotton. I moved a resolution on Police reform and I said then that the outcome of the report was to find room for the incapables of the Anglo-Indian families in the Imperial Police Service. Since then for 10 or 12 years nothing was done and then a new element, viz., Sergeants, came to be employed in the Police Service in Bengal and in Calcutta. Efforts were then made to increase the pay of the subordinate ranks of the police including the Sergeants. If I remember aright—and I think I am correct—at the time when Sergeants were first employed in the Calcutta Police, they began on an initial pay of Rs. 70. Well, since then efforts were made to increase their pay, but all these efforts proved unavailing because whenever this matter was brought forward in the Council, it was urged that there must be a comprehensive committee to go into the whole question. At last in the year 1922, the Retrenchment Committee was appointed. I will not, however, take up the time of the House by reading at length the recommendations of the Retrenchment Committee on Police. All that I want to say in this connection is that the Retrenchment Committee recommended that a sum of Rs. 26,28,800 could be retrenched on the Bengal Police alone. Now this recommendation of the Bengal Retrenchment Committee went up to Government, and Government circulated a printed note to all members of Council, in 1924, together with a statement showing what action was taken with regard to the various recommendations of the Committee. Now, in regard to the recommendations of the Committee in regard to Bengal Police we find that whereas the Committee, consisting of such eminent loyalists and pro-government men as Sir R. N. Mukherji, Sir Campbell Rhodes, Mr. Surendra Nath Mallik, Rai Abinash Chandra Bannerji Bahadur and Mr. H. E. Spry, recommended a reduction of nearly Rs. 26½ lakhs in the expenditure on Bengal Police, Government in their statement showed that they had accepted some of these recommendations and the retrenchment effected was to the tune of Rs. 4,67,082. That is to say, about Rs. 22 lakhs they did not care to retrench because they were not in agreement with the recommendations of the Retrenchment Committee. That was in the year 1924.

So far as the Calcutta Police is concerned, the Retrenchment Committee recommended the reduction of reporting centres, reduction of Suburban stations, patrol posts, reduction of 25 per cent. in kit which was a modest sum of Rs. 2,73,238 in 1921-22, the reduction of the number of Inspectors and Sub-Inspectors and the proposed total reduction amounted to Rs. 8,13,500. In the statement to which I have made reference, Government said that they were prepared to reduce the expenditure to the extent of Rs. 51,221-4-9—thanks for the annas and pies. That is all that the Government was prepared to do in 1924, namely, that though the Retrenchment Committee proposed a total reduction of the police expenditure to the extent of nearly Rs. 35 lakhs, Government was prepared to retrench to the extent of only Rs. 6 lakhs.

Then this Council will remember that about 2 years back, my friend Mr. Saheed Suhrawardy brought in a resolution for the appointment of a committee to enquire into the administration of the Presidency Police. But as I have said with regard to the resolutions on Pearson Committee's Report, this House had no opportunity to discuss this resolution of Mr. Suhrawardy. I make bold to say that instead of moving for this demand which is put forward, a case has been made out for the appointment of a Police Committee, at any rate for Bengal, so that the whole question in regard to retrenchments as recommended by the Retrenchment Committee and other matters in the light of later events, will be gone into by that committee; and that this question of the increment of the pay of constables and Sergeants might, at any rate, await for 6 months if not for a year till the Committee makes its report. What is the Government case? The Government case is that that suitable recruits are not forthcoming and consequently the sanctioned strength is not maintained and that there had been a general rise in the wages. So Government want to increase the pay of constables and Sergeants both in Calcutta and Bengal and also of the Assistant Sub-Inspectors of the Bengal Police. Now it is very curious to find that in Pearson Committee's Report, to which I referred only half an hour ago, it was recommended that the warders must be given a pay higher than that of the constables of the Police Service because of the arduous nature of the duties and so forth and you had agreed to increase the pay of warders. The proposal before us is just the other way, viz., to increase the pay of constables from Rs. 18—22 as it obtains at present to Rs. 25—29; whereas the warders were recommended by the Pearson Committee to be paid higher than the constables, you have fixed the maximum pay of warders at Rs. 26 and you now propose to fix the maximum pay of the constables to Rs. 29. This is one of the inconsistencies of Government proposals. When I sent notice of my amendment, I had a soft corner in my heart for the Assistant Sub-Inspectors of the Bengal Police.

5-15 p.m.

I had in my mind some increment in the pay of Assistant Sub-Inspectors. I have seen them at Sardah; they come from the bhadralok class and they are men of the same status as the Sub-Inspectors. They are like the men who when they fail to become Deputy Collectors become Sub-Deputy Collectors; those that fail to become Sub-Inspectors become Assistant Sub-Inspectors. The quarters that are given to them at Sardah are the stables. In one portion a horse used to be kept, in another a carriage, and Assistant Sub-Inspectors live now in one and in another they cook their food. So when I sent in my motion for the reduction of Rs. 5 lakhs I meant, if possible, that you might have Rs. 37,000 to better the lot of these Assistant Sub-Inspectors, but I would be glad if the whole demand was thrown out. I am glad to know from Hon'ble Mr. Prentice's speech what the members of the Bengal Police Association have suggested. They suggested that if you could not increase the pay of the constables and Sergeants at least try to see if the pay of the Assistant Sub-Inspectors could be increased. If that is the idea.....

The Hon'ble Mr. W. D. R. PRENTICE: May I correct the statement? What they said was that if we could not increase the pay of the Inspectors and Sub-Inspectors we would try to increase the pay of the Assistant Sub-Inspectors.

Babu BEJOY KRISHNA BOSE: They were very careful to keep out the Sergeants. I am glad to hear that. It is a communal motion. When Mr. Prentice moves that the Sergeants should be given an increment it is not a communal motion but when the Hon'ble Nawab Musharruf Hosain brings in a motion for bettering the condition of Muhammadans and we bring in a motion for the Hindus, he is considered communal and we are considered communal, but the Hon'ble Mr. Prentice's motion with regard to the Sergeant's is not a communal motion!! Therefore I say, after thinking over this matter further, that I shall be glad if the whole demand is thrown out now, having regard to the fact that there is famine and starvation and death from them in the country. I submit that having regard to the recommendations of the Retrenchment Committee, having regard to the recommendations of the Police Commission and considering all the circumstances, no increment should be granted now unless a committee is appointed by this House consisting of officials and non-officials to go into the whole matter. I am sure that by economy, retrenchment and readjustment we can effect savings and without making any demand upon the provincial purse we can increase the pay of the constables if we like. Look at the strength of the police in Bengal. I am quoting from the Government figures of 1926. In Bengal, excluding Calcutta, there are one Inspector-General of Police, 7 Deputy Inspectors-General, 45

Superintendents, 52 Assistant Superintendents, 28 Deputy Superintendents, 251 Inspectors, 1,806 Sub-Inspectors, 49 Sergeants, 2,597 head constables, 20 (water) head constables (I do not know whether they are like water melons) and 19,450 (foot) constables and 152 (water) constables. It comes to this that the Bengal Police consist of 24,457 men. What is the cost of the upkeep of this force? Rs. 1,93,41,162. In Bengal for 24,457 men there is an expenditure of nearly Rs. 2 crores, excluding the Eastern Frontier Rifles, and in the Eastern Frontier Rifles there are 843 men and their total cost including clerical and hospital charges and everything else comes up to, not so many thousands, but Rs. 4,49,651. In the Calcutta Police there are 1 Commissioner of Police, 6 Deputy Commissioners, 1 Port Police Deputy Commissioner, 10 Assistant Commissioners, 60 Inspectors, 3 Port Police Inspectors, 109 Sub-Inspectors, 3 Port Police Sub-Inspectors, 200 Sergeants (that was in 1926), 144 head constables of the assistant Sub-inspector class, 6 Port Police head constables, 366 head constables, 52 Port Police head constables, 5 mounted head constables, 3,888 constables (foot), 147 (water) constables and 48 mounted constables. Altogether the Calcutta Police consist of 5,535 men from top to bottom. Besides these of course there are the body guards. We know that the total cost of the Calcutta Police is Rs. 37,76,061. For 5,535 men we spend nearly Rs. 38 lakhs and you want to increase it by another Rs. 20 lakhs taking the whole of Bengal together, that is for Calcutta and Bengal together. These European officers are getting fat salaries. Can't there be any retrenchment with regard to their pay if you are so full of human kindness with regard to the constables? Rs. 20,00,000 is the normal annual growth of revenue of our province. And Government want to mortgage that expansion of revenue in advance—as if no other improvement is necessary except increase of pay of Police.

With regard to the Sergeants I have got a few things to say. It is said that there are so many vacancies and so forth. Does Hon'ble Mr. Prentice know that things leak out in spite of the officials and the Official Secrets Act? We find in the columns of a newspaper, not in the *Forward* or the *Amrita Bazar Patrika* but in the columns of the *Englishman*, that there is some discontent in connection with the promotion to inspectorship of the junior Sergeants of the reserved force and therefore they are resigning and some of these Sergeants had put in 15 years' service. It appeared in the *Englishman* three days ago. What truth is there in the Government plea that a higher pay is required in order to attract Englishmen in face of the news in the *Englishman* that these vacancies are on account of the discontent for not getting promotion to the rank of Inspectors? These Sergeants do not want to become Sub-Inspectors but they want to be Inspectors straightaway. With regard to these Sergeants we know, if I am not mistaken, that 7 of them have been dismissed in connection with the

ugly disclosures that have been made in the River Theft Gang Case that is going on at Alipore. These Sergeants have taken *ghush* (bribe) and they were the receivers of stolen property. One European Inspector has also been dismissed and another European Sub-Inspector is under suspension. That is the reason why there are so many vacancies. I challenge the Hon'ble Mr. Prentice to contradict me when I say that in the police service there is a rule that two months' notice is to be given for a man to get away. In the case of Sergeants I should like to see the applications when they get away whether they have given two months' time to their superiors. As soon as they get a chance of betterment elsewhere they get away without even 24 hours' notice. That is why vacancies occur and vacancies cannot be filled up at once in the rank of Sergeants. I say there will remain no vacancies and that Anglo-Indians can be had in plenty if you applied to the heads of the St. Xavier's College, St. Paul, La Martinière, St Joseph, Kalimpong Homes and other institutions and you can get a better type of Sergeants with better education and some culture, but you do not want them. You want military men who are about to retire from the army to teach the poor helpless Bengalis in the streets of Calcutta a lesson. You want people with no education. What is the standard of education in the case of Sergeants? In the case of the Sub-Inspectors they must be I. A.'s, but as a matter of fact you take B. A.'s and M. A.'s; in the case of Sergeants they can only write and take down the names of the taxi-drivers and take down the number of the buses. It is a matter of common knowledge in Calcutta that these Sergeants are the bus owners' great friends and very seldom their numbers are taken. That the buses run races in the streets with great risk to the motor owners and pedestrians like ourselves cannot be denied, but the Sergeants seldom take down their numbers. Is it because their itching palms are greased? Why not insist that in the case of the Sergeants, they should at least pass the Senior Cambridge examination which only corresponds to the matriculation examination of the Calcutta University. Even that you do not insist on but you want their pay to be higher than the pay of the Sub-Inspectors. These poor Sub-Inspectors begin at Rs. 150 and finish at Rs. 200 and the Inspectors begin at Rs. 225 and finish at Rs. 350. So the Sergeants in the top grade will draw more salary than an Inspector, and Sergeants drawing Rs. 250 can hardly be controlled by an Inspector newly appointed and far less by a Sub-Inspector who will draw a lesser pay than the Sergeant, though both of them are in charge of police-stations and the Sergeants are under them.

What happens in the British mercantile firms? What pay do the travelling agents of Cook & Sons get? They get Rs. 70 to start with and after three years' probation they start on Rs. 114. Take for instance Grindlay & Co. Your Sergeants correspond to the type of

men they take and they do not get more pay than that. In the Railways they begin at Rs. 45 as Assistant Permanent Way Inspectors and after probation get Rs. 110 per month. In the Calcutta Police it is the people's money and therefore the Hon'ble Mr. Prentice can be very charitable with that, and wants to give the Sergeants fat salaries. May they not get fatter than him and may his shadow never grow less! Comparison has been made with the soldiers; the soldiers get this privilege and that privilege but the highest privilege they have is the chance of bullets being lodged in their bodies. Soldiers in military service get 6 pounds, i.e., Rs. 80 per month. When they come to Calcutta Police they get Rs. 150 plus Rs. 20 allowance plus Rs. 90 as house rent plus Rs. 10 as electric current charges, total Rs. 270. You can give as many privileges as you like to the military because of the risk they run but is there any chance of a missile being thrown against a Sergeant in Calcutta? Mr. Blair laughs. Some stones thrown at the police force at Burra Bazar by police agents might strike the body of a Sergeants for we know that usually the Sergeant has only street duties. He takes morning and evening strolls, constitutional strolls, in Clive Street, Chowringhee, Lindsay Street and other streets and for that they should be given Rs. 250 to begin with and comparison is made with the privileges the military people enjoy!!

Then it is said that the cost of living has increased. To my mind since the last revision of the pay of the Sergeants in 1923 the cost of living has not increased.

With regard to the responsibility of these Sergeants I beg to submit that the Sergeants make no investigations, keep no diaries and have no charge of police-stations; they work under the Inspectors and Sub-Inspectors who are primarily responsible for the quelling of riots and other things.

It is said that when the last increment was made one of the grounds was that the Sergeants gave a "moral tone" to the force in the matter of honesty. Moral tone indeed! The Alipore Gang Case is throwing a lurid light upon the happenings of the Police. Then in the case of Sergeants they have got further privileges; they get Rs. 20 as conveyance allowance, Rs. 90 as house rent in lieu of free quarters and Rs. 10 as electric current allowance while the poor Sub-Inspectors get Rs. 150 plus Rs. 20 conveyance allowance (it is common to both) and an allowance of Rs. 60 per month for house.

When this matter was discussed I was opposed to it from the beginning because I thought that there will be great discontent and the moral tone of the force would deteriorate if the Sergeants got an increment over the heads of Sub-Inspectors and Inspectors. The education, social status and position of the latter are far superior to those of the Sergeants. It is said you can have Inspectors and Sub-Inspectors in plenty but not Sergeants.

5-30 p.m.

Sir, this argument is advanced by taking advantage of the poor economic condition of the great middle-class people in the Province. They cannot find employment and hence they come to you. But because there is large unemployment among the middle-class, is that the reason why the pay of the Sergeants should be increased. I appeal to this House to consider whether at this time of dire distress in the land, when the people in many districts are starving, is it the proper time to increase the pay of the Sergeants. When you go back to your constituencies and tell them that you have provided only one lakh for famine relief and five lakhs for four months only for the Police, and that you have committed yourselves to an ultimate recurring annual expenditure of 19 to 20 lakhs for the Police, what will your constituencies say. They will turn you out at the next election. I appeal to you not to sanction this demand. I appeal to you to press for the appointment of a committee of this House to go into the whole matter. And I can assure the House that if such a committee is appointed, it will be seen that by retrenchments and readjustments the pay of the Police can be increased without adding one farthing to public expenditure.

Mr. A. K. FAZL-UL HUQ: Sir, I gave notice of this motion by a token cut to the demand, in order to draw the attention of the Hon'ble Mr. Prentice, the "Pasha" with nine tails in charge of the Political Department of the Government, to the dissatisfaction that has existed for several years past in regard to the manner in which the legitimate claims of the Mussalmans in the matter of appointments to the Police Department have been persistently ignored by the authorities. Sir, this is perhaps neither the place nor the occasion to go into a detailed discussion of the grievances to which I relate, but I will say a few words as regards the nature of these grievances in general and, in particular, the question of Muhammadan grievances regarding appointment to the Calcutta Police. We, the Muhammadan members of this Council occupy a somewhat peculiar position. Events of the last few years have shown that whenever the Government is in a tight corner in consequence of the activities of my Swarajist friends, an appeal is made to the traditional loyalty of the Mussalmans (Hear, hear!) to come to their help. I claim, and I think I ought to hang down my head in shame when I think over it, that not once or twice but times without number, we have pulled the bureaucracy out of the mire in which they had dragged themselves in consequence of the policy they had pursued in the administration of the country. Only the other day, when the prestige of the entire British administration was at stake in consequence of the activities of the Swarajists, we spurned the request made by our own countrymen and went into the same lobby with the officials and Europeans, and the result is that there are persistent rumours that the

Government in forming the committee that is going to be elected to-morrow is not going to give due weight and consideration to Muhammadan interests, but is going to placate those very people who did not come forward to stretch a single helping hand to the Government. Not only in the matter of appointments but in other matters as well we have complacently come forward to help the authorities. (A VOICE: Join us).

Now, Sir, so far as this question is concerned, the Hon'ble Mr. Prentice has remarked that there is a great difficulty in finding suitable recruits from the Muhammadan community in consequence of the low pay attached to the post of constables, and an appeal has been made for our votes, as if the appointment of a few constables would raise the Muhammadan community appreciably in the scale of nations. (Derisive laughter). Sir, let me tell the Hon'ble Mr. Prentice quite frankly that I find it hard to believe that he is really going to utilise this money for the appointment of a large number of Moslem constables. Promises have been made in the past and broken as soon as they were made. To-day, the Government will ask us to go into the same lobby with them, and to-morrow the Hon'ble Mr. Prentice will forget all about Muhammadan claims and will come forward with the routine formula of efficiency, educational qualifications, and requirements of the Hindu community, and the necessity of keeping the balance even between the two communities. (Laughter.)

Now, Sir, I shall be very glad not merely to vote for 5 lakhs but 50 lakhs, were I convinced that it is really the desire of Government to consider for a moment the legitimate demands of the Mussalman community. Sir, I am saying these things not in anger, but in sorrow. How is it that these Muhammadan members are being treated like this? We represent some constituencies in this Council. As my friend Mr. Bejoy Krishna Bose has pointed out, we have got to face our constituencies and we shall have to do it next September, and when they ask us we shall have to face a long list of cases in which the Government have deliberately flouted the demands of the Muhammadan community and yet we have continued to cast our votes with the bureaucracy. They will ask us how is it that in spite of lesson after lesson that has been taught us by Mr. Prentice and his colleagues, we have been so obdurate and lacking in commonsense as to go and help those who do not care to help their friends.

Sir, there is only one word more that I am going to say. It really seems strange that when Government has not got the money to help those who are in the grip of famine, why is this demand of 5 lakhs being made at this psychological moment? Why spend 5 lakhs in this season of the year? Why not wait for decency's sake for a few months more? If the Muhammadan community has existed in Bengal without

getting a few posts of constables, surely they can live a few years longer without them. Let our people have more food and we will do without constables for some time more. The demand which has been made is most inopportune, because it has been moved at a time when in spite of the persistent demands of the people, Government have come forward with the reply "No funds for the relief of distress". I am not really for opposing the demand if it is made at the proper time and on the proper occasion, but at the present moment it is not merely for condemning the policy of Government in regard to the prevailing distress that I have given notice of this token cut, but also for protesting against the policy of Government in regard to the question of appointment of Muhammadans to the Police Department. I appeal to Mr. Prentice not to misunderstand us if we do not go into the same lobby with him.

Sir, with these few words I beg to move that the demand of Rs. 5,37,000 under the head "26.—Police" be reduced by Re. 1.

Rai HARENDRANATH CHAUDHURI: Sir, after the very illuminating speech of my hon'ble friend, Babu Bejoy Krishna Bose, I think there is hardly anything to add to what has been contributed by him to this debate. If, therefore, I rise to speak a few words, it is just to point out to the Council certain facts and figures which they ought to take into consideration before they proceed to vote on Mr. Prentice's motion. It should be remembered, Sir, at the outset that Mr. Prentice's motion is not simply a demand for 5 lakhs and odd: it involves the question of an annual recurring expenditure of 17 to 18 lakhs of rupees. That ought never to be forgotten by the members of this House specially those who have come here from the general constituencies—who have come here to represent the people of the country. Next, Sir, there are certain other figures which also should be taken into consideration. It is widely known, Sir, that the people and the Government differ as poles asunder on the question of police expenditure. Why is it so? Is it merely for the fun of differing from the Government? No, Sir. Facts show that in the last decennium, between 1917-18 and 1927-28, police expenditure has increased by 62·56 lakhs, whereas the revenue of this province has increased from 9 crores 72 lakhs to 10 crores 76 lakhs; that is, while the revenue has increased by only 1 crore and 4 lakhs, police expenditure alone, not to speak of the expenditure on other reserved and transferred subjects, has increased by 62·56 lakhs; that is, two-third of the increased revenue of this province have been swallowed up by what is called the normal expenditure of the Police Department. That being the case, Sir, how can the people agree with the Government and see eye to eye with them in the matter of police expenditure. It must not be forgotten in this connection that during this very decennium the Council has imposed on the people of Bengal—the most

heavily taxed people in the whole of India—fresh taxes to the tune of 1 crore and 40 lakhs of rupees. To the Government I must say that it must not be forgotten you have wiped out Bengal's pre-reform balance. It must not be forgotten that only the other day you approached the Government of India with your begging bowl for the remission of the Provincial contribution of 63 lakhs. Now, when you have secured three fresh taxes on a permanent basis, when you have secured the remission of the contribution of 63 lakhs on a permanent basis, just when you have balanced the budget with the proceeds of these fresh taxes, you come forward with the proposal that the police budget should be further increased by 17 to 18 lakhs of rupees. Shamelessness cannot go any further.

Then, Sir, it may be in the recollection of the members—at least the senior members—of this House that just after the inauguration of the Reforms in March 1921, at the instance of a Khan Bahadur, the Council, packed as it was with co-operators, thought fit to reject an increased demand for 23 lakhs that was proposed in the budget of 1921-22.

5-45 p.m.

How that vote was got rid of some of us know. An inspired question was put by the present incumbent of the post of the Law Member of the Viceregal Council. Then followed a motion for adjournment by Mr. Campbell Rhodes and then the Council had to reverse its vote and almost under a threat of certification voted the additional expenditure of 23 lakhs of rupees. But Sir Henry Wheeler, who knew more of the Police Department than Mr. Prentice, said in supporting that extra demand of 23 lakhs of rupees that there was no room for any reduction in police expenditure far less of a magnitude of 23 lakhs of rupees. Sir Henry Wheeler however proved a false prophet. For unfortunately for the official contention soon after the Government had to appoint a Retrenchment Committee. That Committee was composed entirely of men on whom Government could depend. That Committee recommended a net reduction not of 23 lakhs but of 34½ lakhs. While that Committee composed of so many dependable, safe, sober and sane men recommended such a large cut in Police expenditure alone, Sir Henry Wheeler a few months earlier could not see the possibility of accepting a reduction of 23 lakhs. Placed thus in an awkward position how did the Government tide over the difficulty? They soon found out that the recommendations of the Retrenchment Committee to the tune of 9 lakhs were based on "wrong assumption." Assuming that the recommendation of the Retrenchment Committee was based on wrong assumption so far as the 9 lakhs was concerned, what about the rest? Well Sir, Government could not see its way to accept even the rest of the recommendations; all told it could only accept a cut of 6 to 9 lakhs.

That being the case, personally I have no faith in Mr. Prentice's declaration that the police expenditure is not susceptible of reduction or retrenchment. I attach absolutely no value to such statement fortified even if it be by the opinions of the heads of the department. Did Government cease to expand the police expenditure even after and inspite of the recommendations of the Retrenchment Committee? No. The subsequent figures will show that between 1924-25 and 1927-28 in the Police Department alone expenditure increased by 11·21 lakhs, whereas education, public health, medical and agriculture—practically all the important subjects of the Transferred Departments together got an increase of 12·141 lakhs only. That being the case, we are not prepared to take into consideration any further proposal for the expansion of police expenditure unless it is made absolutely clear and certain that police expenditure in directions other than those now under consideration is not capable of retrenchment or reduction. I, therefore, support the plea so ably put forward by my friend, Mr. Bijoy Krishna Bose, that, unless and until the Government agree to have the whole question of police expenditure reviewed and examined by a non-official committee appointed by this House, the non-official members will not agree to take into consideration any proposal for further increase of police expenditure, coming from the Government—that did not think it worth while to give effect to the recommendations of the Committee appointed by them and the Government that has systematically starved the Transferred Departments just to permit room for steady increase in the police expenditure. The further question, Sir, that remains to be considered is whether, even assuming all that has been urged by Mr. Prentice, even assuming all that—we are in a Financial position to foot such a heavy bill I am certain we are not. Already the police expenditure of Bengal covers as much as one-fifth of the total revenue of the province, whereas the police expenditure in other provinces are comparatively proportionately much less. We know, Sir, that Bombay spends only one-fifteenth of its total revenue on police, Madras only one-ninth, the United Provinces one-ninth but Bengal spends as much as one-fifth. It may be said that they command larger revenues, if that be the case, we must cut our coat according to our cloth.

Maulvi ABUL KASEM: I think I would not be justified in recording a silent vote on this motion. We are asked to grant a sum of Rs. 5,37,000 for the remaining period of the current year for expenditure for the increase of pay of the subordinate staff of the Police. Constables, Assistant Sub-Inspectors and Sub-Inspectors are mentioned just to draw up a picture of their sufferings and to draw the sympathy of the public and the members of this House. But I should like to urge upon the Government to consider the question that out of a total revenue of 11 crores and 3 lakhs, they spend a recurring

expenditure of one crore and 93 lakhs on police alone. That means about one-fifth of the total revenue of the province is spent on police and they want us now to increase it by another 18 lakhs per annum. I ask is it fair—is it just? I certainly sympathise with the constables, Assistant Sub-Inspectors and Sub-Inspectors—they ought to get not only our sympathy but also that of the higher police officials themselves and the Government. It is the business of Government to curtail the expenditure at the top of the administration. Although I entirely agree with everything that has been said by my friend from Dacca, I submit that my vote on this occasion will be recorded on a point of equity. I must say here that the statement in the note which has been circulated that the pay of the constables should be raised on account of the difficulties experienced in the recruitment of Muhammadan constables, is made as an attempt to catch votes. I hope some of my friends will be able to corroborate me on this point. In 1926 I was responsible with some of my colleagues to send a number of well-built and sturdy Mussalmans for appointment as constables, but they were all rejected. But that is not the real issue. The real issue is, as I have said, that I have every sympathy with the subordinate staff of the force for whom this demand is made and I think there is every justification for the increase which is asked for, but that increase should be met not from the other revenues of the Province, but from the amount already allotted to the Police Department itself. It has been mentioned by my friend over there in a very lucid speech that the police administration is a very top-heavy one; there are already too many highly paid officials and when the people of Bengal pay one-fifth of the total revenue for expenditure on police, I want to know—is the police efficient? So far as my experience goes, the police officials in the mufassal, whenever you bring any complaint, at once say "bring the accused and all the evidence you have got, then I will take action." That is the general complaint so far as the efficiency of the police in the mufassal is concerned. Now, what about the Calcutta Police? Is it worth the money that is spent after them? Certainly not, and I think I voice the opinion of a large section of the people when I say so, there is no question of this officer or that. When we are spending too much on the police administration we must look for efficiency. Efficiency does not lie on extravagance.

Now about the capital expenditure. The money is spent on brick and mortar in this city of Calcutta for the maintenance of the force would have sufficed for the improvement of agriculture and for the eradication of malaria from Bengal. Whenever money is wanted for any popular object, Government always put forward the plea that money is not available. When Government has no intention to improve the resources of the people, the tax-paying capacity of the people, I ask where the money is to come from. When people are dying in hundreds of starvation due to famine, only one lakh has

been asked for their relief, but about 6 lakhs of rupees have been demanded for the police administration and that expenditure of a recurring character! I submit I have got another grievance, and that is that money is also wanted for the improvement of cultivation by the ryots and agriculturists who are not in a position to cultivate their lands properly. I know the Hon'ble Member in charge of Revenue tried to get some money allotted for this purpose, but whenever we ask for any agricultural loan, we are asked to come through the proper channel, that is through the District Officers, Subdivisional Officers, Circle Officers, etc. But whenever a Circle Officer is approached, he always says that famine conditions do not exist and the cultivators do not require any money for the purposes of cultivation. I may mention here that one Subdivisional Officer of the distressed district of Bankura said on one occasion that there was no distress, and that he said in the presence of the Collector himself.

I think, as has been suggested by my friend, Babu Bijoy Krishna Bose, that if the pay and prospects of the constables and head constables at all require to be improved, the proper course would be to appoint a committee who would examine the whole question not only for Calcutta but for the whole Province.

6 p.m.

Mr. F. E. JAMES: As an elected member of the Police Standing Committee, I desire to make only one reference to a question which has been raised by the last two speakers. The proposals which are now before you have the unanimous approval of the Police Standing Committee which consists of one European and 3 Muhammadan elected members. I will not mention their names because they might be embarrassed.

Rai HARENDRANATH CHAUDHURI: May I rise to a point of order? The proceedings of Standing Committees are, I believe, confidential.

The Hon'ble Mr. W. D. R. PRENTICE: I may state for the information of the Council that the members of the Standing Committee were specially asked whether they had any objection to a statement being made in this Council.

Rai HARENDRANATH CHAUDHURI: But, Sir, you cannot over-ride the rules.

Mr. F. E. JAMES: I think, Sir, that the statement made by Mr. Fazl-ul Huq in regard to the communal issue is a most unfortunate and an unwise one from his point of view. There are members of this House who will remember the attitude taken up by some of the Muhammadan members at the time of the riots in 1926. Sir Abd-ur-Rahim himself was one of the most prominent in asking the Commissioner of Police by all means in his power to recruit more Muhammadan constables. I was present at an interview which Sir Abd-ur-Rahim had at his request with the then Commissioner of Police. The whole communal business is a hateful business at best. But I think the Muhammadan members who are speaking obviously with their eye on the next general election should remember that there is absolutely no question from the point of view of Government of holding out a bait to Muhammadan members. The Muhammadan members have for some time to our knowledge been pressing for an increase of Muhammadan appointments in the Police Service. Government have been quite prepared, with due regard to efficiency, to bring up the ratio of Muhammadans but have not been able to do so, because of the lack of suitable Muhammadan recruits who would pass the test which ordinary constables have to pass. Those who are on the Standing Committee know all these difficulties. I am surprised and disappointed that the other members of the Committee have not had the courage to get up and say what I am saying now. But I think the Muhammadan members should realise that when they come to this Council and say that they do not wish to press these particular claims and when in other places at other times outside the precincts of this House they lose no opportunity whatsoever of pressing their claims in season and out of season they should remember that they are providing a spectacle which is not a very pleasing one.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, Mr. Bejoy Krishna Bose at the beginning of his speech used the phrase "inspite of the facts and figures." Practically none of the facts and figures given by me in the course of my speech have been disputed. The only one that has been disputed is the statement that retrenchment is impossible. As I have said before and I say again, we carefully examined the police budget to see whether retrenchment was possible. Anyone who has had anything to do with the police force knows that any expenditure on police is very carefully scrutinised. The total percentage spent on police in the province is very high. Therefore Government is extraordinarily loth to increase the demand for police. But, when I say this, I would like to contradict some of the figures and some of the deductions which have been made. Mr. Bijoy Krishna Bose has referred to the total expenditure budgeted, viz., Rs. 1,93 lakhs and

he divided it by 25,000 men and arrived at a certain figure. Of course, he ignores the fact that the budget includes the expenditure on clerks, supplies and services, contingencies, uniforms and all these sorts of things.

Rai HARENDRANATH CHAUDHURI: What about the pay of the Inspector-General of Police?

The Hon'ble Mr. W. D. R. PRENTICE: If you will listen to me, you will see the percentage is very small. The total expenditure on gazetted officers.....

Dr. BIDHAN CHANDRA ROY: As you are the guardian of this House, I appeal to you that you should not allow the Hon'ble Member to use such an expression as "if you will listen to me."

The Hon'ble Mr. W. D. R. PRENTICE: I apologise, Sir, if I have hurt any member's feelings. I am anxious to state the facts to the Council, and these interruptions do not certainly help the elucidation. The facts are that out of the total budget of Rs. 1,93 lakhs, to which many references have been made, the pay of gazetted officers amounts to Rs. 13,42,000 so far as I am informed. Therefore if you cut the whole of the gazetted officers' pay, you will not find the money required for this increase in the pay of constables and other ranks.

The second point that was made was that there ought to be retrenchment, and the people who can make retrenchment are a committee of the non-official members of this Council. Therefore we must wait for their report and then do what they say. But they forget the whole time that there is a Police Standing Committee to which members are elected by the Council. If the hon'ble members on my right refuse to take any part in the Standing Committees they cannot really complain. The members of the Standing Committee will tell you that when a question is put up to that committee all available information is placed before them. All matters of cost and all details are put before the committee and are considered by them. It is the fault of the committee if they do not ask for fuller information. I am sorry that I cannot agree to a postponement of the demand till a special committee is appointed by the Council and its report received,

because the whole basis of this case is that at present we cannot maintain the present force at the sanctioned strength, and it is in order to maintain it at the sanctioned strength, and not to increase it, that we ask for this additional amount with effect from 1st November.

Mr. Bejoy Krishna Bose also made a wrong statement regarding jail warders. He compared the enhanced pay of jail warders with that of the constables of the Calcutta Police. The comparison ought to have been with the proposed enhancement of the pay of the Bengal Police constables. He would find that the enhanced pay for warders which has just been assented to by the Council is Rs. 2 above the pay of the Bengal Police constables, and is equal to the pay proposed for the Bengal Armed Police, which was the intention of Government. He has, I understand, a soft corner in his heart for the Assistant Sub-Inspectors and he has referred to the unseemly conditions in which they reside at Sardah. The matter was placed before the Standing Police Committee because Government desired the Standing Committee, and the Council through it, to have a complete knowledge of the conditions prevailing at Sardah. We want to improve the conditions as soon as funds are available; in fact, we are only too anxious to improve the conditions there, so that the people under training may be properly housed, and I am hoping that the amount required will be voted as soon as funds are available.

Reference has been made to the unfortunate case at Alipore. I did not myself like to refer to it and I hoped no one else would: but at the same time as it has been referred to, I think members will realise that that case strengthens the demand. We know that the reason why certain people have got their hands dirty is that their present pay is not sufficient to enable them to maintain their family and children and thus they get into the hands of money-lenders. The temptation is too great for them; and it is in order to place them above the risk of temptation that we want to increase their pay.

An allegation has been made that a Sergeant's resignation is accepted on receipt thereof but an ordinary constable is kept waiting for two months. That is an entirely unjustified allegation. Discretion is given under the Act and it is used whether the application is made by a constable or any other member in the Calcutta Police.

Mr. Fazlul Huq made a rather disappointing speech.....

Rai HARENDRANATH CHAUDHURI: Disappointing from whose point of view?

The Hon'ble Mr. W. D. R. PRENTICE: I expected his support. Apart from the fact that we are trying to increase the proportion of Muhammadans in every service, I find that complaint after complaint

is made that a sufficient number of Muhammadans are not recruited in the police, more especially in the Calcutta Police. When I brought forward this proposal I pointed out that one of the results of the proposed increment would be to make it possible to recruit more Muhammadans. I pointed out that during the last few years the percentage had declined and I argued that the reason for this was that the rates offered in the police were insufficient (A VOICE: question.) I was only dealing with the ranks of the police to which this demand relates. I am, however, perfectly willing to show when the proper time comes that Government has been, and is, doing all in its power to improve the recruitment of Muhammadans in various other ranks.

Mr. Abul Kasem talked about the "top-heavy administration" and especially of "bricks and mortar," and said that you can easily find that money by doing away with "bricks and mortar" and by getting rid of the "top-heavy administration." I have already shown from the facts and figures I have given that if you abolish all the gazetted posts you will not get money enough to meet this demand. As regards "bricks and mortar," I think that if he looks at the figures for Calcutta, he will find that the results of the erection of these buildings has been a great economy, and that the rent of the hired buildings which have been replaced by Government buildings was much in excess of what the loan and other charges on the new buildings would amount to. In view of the fact that congratulations have been expressed by other members on the savings that have been effected, I am rather surprised to hear that Mr. Abul Kasem regards the new buildings as extravagant.

The last point I propose to notice is the plea that if we increase the pay of Sergeants in Calcutta they will be paid more than the Sub-Inspectors and that it will be difficult to maintain discipline. This is an entire misconception. The present pay of Sergeants is the same as that of the Sub-Inspectors and a certain proportion of the Sergeants in Calcutta are already deputed to section houses to take charge of patrols and things of that sort and as such they are already under the orders of the Inspectors or Sub-Inspectors in charge of these stations and there is no difficulty whatever regarding discipline. Discipline is a matter of rank and not really of pay. I beseech you not to deal with this question on the basis of a misunderstanding regarding the effect relative pay has on the relative responsibility. We ask you to vote this demand because we are responsible for the maintenance of law and order in the province and because without the increase asked for we cannot maintain the force required for this purpose at the sanctioned strength and it is only on these grounds that we make this request.

The motion that the demand of Rs. 5,37,000 under the head "26—Police" be reduced by Rs. 5,00,000 was then put and a division was called for.

Mr. PRESIDENT: Before I ask the House to divide I should like to say that it is strictly prohibited for any member to canvass within the Chamber. Members are requested to move on to the lobbies as quickly as possible.

The Council was then divided with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remes Chandra.
Bakeh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdool Razak Hajee Abdool
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S

NOES.

Abbott, Mr. E. G.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Maulvi Tamizuddin.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Prevash Chunder.
Morgan, Mr. G.
Mumin, Khan Bahadur Muhammad Abdul.

Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Parrett, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rabati Mohan.
Shah, Mr. Gholam Hossain.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 59 and the Noes 51, the motion was carried.

Mr. PRESIDENT: It has been brought to my notice that Babu Surendra Nath Ray passed the tellers of both the lobbies. His vote is therefore expunged from both lists.

Babu SURENDRA NATH RAY: May I rise on a point of personal explanation? I passed the Ayes lobby and after recording my vote, went to the other lobby.

Mr. PRESIDENT: Mr. Ray, your statement will be recorded in the proceedings as usual.

The next motion standing in the name of Mr. A. K. Fazl-ul Huq need not be put to the vote. I will therefore now put the original motion as amended.

Sir ABD-UR RAHIM: May I enquire why this token cut motion will not arise? It raises a question of principle and although the original demand has been reduced by Rs. 5,00,000 yet it still leaves Rs. 37,000 from which a rupee cut may be easily made.

Mr. PRESIDENT: I do not agree with you, Sir Abd-ur-Rahim, for the simple reason that it was the intention of the mover to cut a rupee from the total grant and not from Rs. 37,000 as you say. Besides, a substantial cut has been effected to the original demand and in this case I allowed the opinion of the Council to be freely and fully expressed on the Government's policy. There is therefore no use wasting the time of the Council in taking another division.

The following motion failed:—

"That the demand for Rs. 5,37,000 under the head '26.—Police' be reduced by Re. 1."

Maulvi ABUL KASEM: The opinion of this House has been recorded to the expenditure and not with reference to the particular point raised in this motion of token cut. Opinion has not been taken on that.

Mr. PRESIDENT: When this motion was before the House the matter was thoroughly discussed and members had an opportunity of criticising the police and I think that object has already been achieved and therefore I am not going to put it to vote.

Mr. SUBHAS CHANDRA BOSE: Could we not reduce the amount of Rs. 37,000 as left now by Re. 1?

Mr. PRESIDENT: Your proposal was to reduce a sum of 5 lakhs out of Rs. 5,37,000 and not to reduce the sum of Rs. 37,000 by Re. 1.

Mr. A. K. FAZL-UL HUQ: My motion raises a question of principle and when I gave notice of my motion I had nothing to do with the motion for reduction. I submit the question of principle has not been voted upon by this House and I request that the sense of the House on the issue raised by my amendment may be taken by vote.

Mr. PRESIDENT: My point is that so far as the principle is concerned it has been respected by this House and so I do not think it is necessary for me to put it to vote.

The motion that a sum of Rs. 5,37,000, as amended by the Council, be granted for expenditure under the head "26.—Police" to meet the extra cost on account of revision of pay of certain subordinate ranks of the police force during the current year was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Mucharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Maulvi Tamizuddin.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.

Martin, Mr. O. S.
McCluskie, Mr. E. T.
Miller, Mr. G. C.
Mitter, the Hon'ble Sir Provash Chunder.
Morgan, Mr. G.
Mumin, Khan Bahadur Muhammad Abdul.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Parrett, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sashse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Shah, Mr. Gholam Hossain.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Bansrjee, Babu Prometha Nath.
Basu, Babu Saei Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khershed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Banguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Nimatsingka, Babu Prabhu Deyal.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Rahim, *Sir Abd-ur-.
Rahman, Maulvi Azizur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Selaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

The Ayes being 52 and the Noes 61, the motion was lost.

[At 6-40 p.m. the Council was adjourned, and it reassembled at 6-55 p.m.]

43—Famine Relief and Insurance.

The Hon'ble Mr. A. MARR: With the approval of His Excellency the Governor, I beg to move that a sum of Rs. 1,00,000 be granted for expenditure under the head "43—Famine Relief and Insurance." The position has been explained in the printed memorandum, copies of which have already been distributed to members of this Council. I have nothing more to add to it.

7 p.m.

Srijut JOGENDRA NATH MOITRA: I beg to move that the demand of Rs. 1,00,000 under the head "43—Famine Relief and Insurance" be reduced by Re. 1 (to signify my objection to the inadequency of the grant to cope with the famine conditions of Bengal).

It was only the other day that this Council had passed a vote of censure on the Government by carrying an adjournment motion for its not taking adequate steps to alleviate the acute distress on account of Famine in various parts of Bengal. The woeful accounts of the suffering of about two millions of people for want of even half a meal per day have apparently failed to inspire natural human sympathy in the heart of our civilized and sympathetic bureaucracy. Reports are appearing in all the prominent Indian newspapers, but these inconvenient truths are either callously ignored or explained away.

In the memorandum issued by the Finance Department, we find that the original grant of 2½ lakhs, under "Famine Relief" has been exceeded by only 50,600 rupees. We are now called upon to vote for this amount together with the additional grant of Rs. 50,000 only which in the opinion of the Government may be required to cope with the situation.

Sir, even, taking for granted, the modest figure supplied by Government as to the number of people affected in various districts of Bengal, we find on calculation that only about 3 pice per head has been paid by the Government up till now by way of gratuitous relief! A princely gift indeed!!

Three pice in all for each of the famished people numbering over 12 lakhs—according to Government estimate—most of whom had to sell all their earthly belongings to keep their body and soul together! Some where driven to the extremity of selling their own children and some in desperation to commit suicide!!

Sir, in the two other additional demands for grants, one for "jail and convict settlements," and the other for "police," the Government could find sufficient reasons to ask for nearly 6 lakhs of rupees which means a permanent additional burden of nearly 18 lakhs of rupees a year—but in the case of meeting the crying needs of the famine stricken people it has thought fit to recommend only a trifling sum of Rs. 1,00,000! May I ask which is more urgent and imperative? The alleviation of distress of millions of people or fattening the already much too pampered police? The answer is obvious.

Sir, here is one of these glaring instances where we are made to feel, acutely feel our utter helplessness, and bitterness of our political servitude! Our lives are considered to be of no higher value than those of stray dogs and cats! This is the inevitable result of being

ruled by foreign and irresponsible Government. Had a single man died in England of starvation the whole of the Island would have been thrown into convulsion and the Cabinet would have been forced to resign. But this is not to be so in hapless India. We may cry ourselves hoarse—we may appeal to their humanity and moral principles, but the Government will remain unmoved as ever! What do they care if you die like so many insects! They are here only to strengthen the hands of the Military and the Police and hold their tight grip over you whether you like it or not.

But, may I ask whose money they are now asked to pay? It is the poor and the over-taxed people's money and not yours. You have no right or moral justification to withhold it whenever the people will be in dire need of it. Sir, it is getting late, and I know my friends have many facts and informations to give. So before I close may I suggest that if the Government do not find more money at their disposal, they will at least make over the amount intended for the additional grant to the Police to the Famine Relief Fund. The Police can wait for four or five months more but people cannot, I hope, Sir, the whole of the House will join with me to carry the motion.

Dr. BIDHAN CHANDRA ROY: On behalf of the party which I represent in this Council, may I convey a message through you, Sir, to His Excellency the Governor at whose instance the Hon'ble Mr. Marr is asking for a demand of Rs. 1,60,000, to increase it by the sum which has now been saved by the last voting that has taken place in this Council. I ask this for two reasons: Government, I believe, do not deny that there is famine in the Province, whether the famine conditions as defined in the Code have come now or not, they are not prepared to declare it, but there is no doubt that the Government is aware that there is a famine in the province. Only the day before yesterday I got a letter—a personal letter—from the District Magistrate of Khulna asking for contributions—I belong to that district—to relieve the distress of the famine-stricken people of Khulna. Therefore, this must have been done by the District Magistrate either with the permission or sanction or with the knowledge of the Government and the proper authorities. Therefore Government cannot deny that there is famine in the province. My second point is that this Council by an overwhelming majority passed a vote of no-confidence on the Government for not taking proper measures to relieve the distress in the famine-stricken areas. I made it sure before I ask you to convey this message, from Mr. Marr that he could make provision of Rs. 5,37,000 provided that money could be found. May I request you to ask His Excellency and his representative in this Council, Mr. Marr, to rearrange his demand so that it may go to some extent to relieve the distress in the famine-stricken areas.

Srijut BIJAY KUMAR CHATTERJEE: At this fag end of the day I do not intend to inflict a long speech but I want to tell the hon'ble members of this House as to how the District Officers discharge their duties. Therefore, Sir, I rise to say a few words in order to give my whole-hearted support to the motion of Mr. Moitra. In the first place I find that while the Government is anxious to bring in demands for grants for jail warders and Police Sergeants, it wants to grant only one lakh for famine. The Government wanted Rs. 5,00,000 over and above the money already granted. Now that the same had been refused. I request that this whole amount of Rs. 5,00,000 may be allotted for the purpose of famine relief work. Sir, in the second place, I should like to draw special attention of the Hon'ble Member-in-charge to the attitude of the District Magistrate of Bankura and to how he is dealing with a serious question as Famine. In answer to a question on the 10th of July, the Hon'ble Member of the Revenue Portfolio stated that the Government allotted up to 4th July 1928 Rs. 12,000 for gratuitous relief in the district of Bankura. On the 13th I went to Bankura and enquired what was the amount actually spent by the District Magistrate for relief work. I was told that only Rs. 2,000 out of the sum of Rs. 12,000 was spent and after my censure motion in the Council, Mr. Hart—a gentleman who is physically and mentally incapable to have charge of any district—placed another Rs. 2,700 at the disposal of the Secretary to the Central Relief Committee. Then I was surprised to get a letter from Mr. Hart in which he writes: "It is reported in the *Statesman* that you stated in the Council that people in this district are living on nothing but boiled leaves and mahua. In order that immediate relief may be given wherever necessary I shall be greatly obliged if you will furnish me with particulars of any persons who are reduced to living on such diet." I gave him the particulars and mentioned the names of villages and although I assured Mr. Hart that what I stated in the Council was from my personal information, and my statement in Council on the 11th was as clear as anything, Mr. Hart had the impudence to write to me thus:—"In your letter of yesterday you informed me that you had personally seen people in two villages of Gangajalghati P. S. living on boiled mahua, but you do not state that you made enquiries and convinced yourself that they had nothing except mahua to live on. It is well known that many people of this and other districts eat mahua in the season. Usually they take one meal of mahua and have another meal of rice, etc. Probably also every year there are a few cases where poor people may live on mahua alone for a day or two. It is also known that boiled shoots and leaves of certain plants are eaten and relished by people all over Bengal as additions to their ordinary meals." I have personally seen with my own eyes that villagers fasting for days together, reduced to skeleton and somehow living on mahua and boiled leaves, but still

the Magistrate would argue that they do so for relish. After that in answer to my question whether he had got any instruction from the Government not to spend the Rs. 12,500, although it is particularly stated that the amount was intended to be spent up to 4th July, he writes to me in reply: "I beg to inform you that, including a sum of Rs. 1,000 allotted previous to the 31st March and Rs. 2,000 from His Excellency's discretionary grant, the total amount allotted by Government and by the Divisional Commissioner for gratuitious relief in this district is Rs. 12, 500. The whole of this sum has been placed at my disposal for disbursement as gratuitous relief. Of this total I have up to now made over Rs. 5,500 to the district relief committee and as the need for gratuitous relief will certainly be great during the ensuing months until the harvest, it is certain that the whole of the balance will be required. The Joy Gobinda Law Fund is a trust fund of which the trustee is the Treasurer of Charitable Endowments, Bengal. Of the allotments received from Government Rs. 5,000 was received from the Joy Gobinda Law Fund."

So we find, Sir, that the Magistrate is not spending the money allotted and sanctioned although people are dying of starvation. He could have written to the Government if he had wanted any more money.

I also draw the particular attention of the Hon'ble Member-in-charge to the action of one Circle Officer of Gangajalghati thana named Koruna Nidhan Ghose, who has no koruna—he is wanting in koruna. After my statement in the Council that a woman died of starvation in Navagram village within the jurisdiction of this Circle Officer, he went to the village with the chaukidar and a member of the Union Board and he forced the chaukidar to alter the death roll from "death due to starvation" to "death due to hysteria and some other disease." (Here the member read some extracts from a letter written to him in Bengali by the residents of village Navagram in Gangajalghati thana.)

This is the way in which Circle Officers deal with such important question as famine when the people are dying of starvation and the whole country is agitated over this? I do not know for what purpose they are sent to the Circle. Their duty is nothing but to incite the people against each other to report against Congress Workers and to force the people to accept Union Board and to canvass during Local and District Board elections. And for this they are paid for. Sir, I bring forward my specific charges against Mr. Hart who had not spent the money allotted for the relief of distress. (A VOICE: Because he has no heart). If we take 50,000 as the number of persons who are in distress, Rs. 15,000 a month at least is required to save the starving people, and from November to July although a petty sum of Rs. 12,000 was placed at the disposal of the Collector, he spent only Rs. 4,700

and that even after the censure motion was passed. Secondly, I charge the Circle Officer Babu Koruna Nidhan Ghose for having changed the death-roll and having attempted to suppress facts, which are surely acts amounting to criminal offence.

7-15 p.m.

Mr. PRESIDENT: I would like to point out to you, Khan Bahadur Ekramul Huq, that as I have to give the Hon'ble Member ten minutes to reply I can give you only five minutes.

Khan Bahadur Maulvi EKRAMUL HUQ: Mr. President, Sir, I congratulate the Hon'ble Member for having brought forward the supplementary demand for famine relief. But I must condole with him that the amount demanded is not 10 lakhs but one lakh only. Does he mean to say that in the many districts that are affected there is no necessity for more money. It is known to all that the early rains in certain places instead of relieving the distress have aggravated it. I hope it has come to the notice of the Hon'ble Member that the tenants had no chance of weeding their aus crop on account of the early rains with the result that they had spent their labour and money in vain. This is an additional ground why more relief should be afforded by the grant of takavi loans. From the aus crop they are not getting much help and it will take some months for the aman crops to be reaped which afford some relief to the villagers. This being the state of affairs it is right and proper for the Hon'ble Member to ask for a grant which is much more than a lakh of rupees. I know, and it is the general feeling in the country, that the real state of affairs in the villages is not in fact properly represented to Government. I know of many instances which were brought to my notice in which the villagers have not been able to sow their aman crop. In one instance, Sir, a petition by the villagers was sent by me to the District Magistrate who had it forwarded to the Subdivisional Officer. I met the Subdivisional Officer and from him I learnt that it was a story got up by the people themselves. But I came to know from other sources also that the people there were reduced to skeleton because they had not much to eat. But who is to report these facts to the higher authorities? It is unfortunate that the local officers have not the moral courage to report these facts to Government, or they do not like these facts to be brought to the notice of Government and the public at large, as they think a hue and cry will be raised that proper measures have not been taken by Government. I think it is the duty of Government, on the representations made by the representatives of the people in this Council to enquire into these matters and to find out if there is any real distress. It is not possible for members of this Council to go from one place to another and to enquire into these cases. It is the duty

of Government officers who are paid particularly for the purpose, of watching the welfare of the people, and to see if there is any real distress in the country. There are many places, Sir, in which a whole family at times do not get a proper meal a day. In these circumstances I wish that the Hon'ble Member will come before this Council a second time within this session for a much larger grant, say another Rs. 9 lakhs of rupees and I am perfectly certain the House will be quite ready to agree to it. By such a grant the sufferings of the people will be relieved.

The Hon'ble Sir PROVASH CHUNDER MITTER: This question was recently debated and it was forcibly brought to the notice.....

Rai HARENDRANATH CHAUDHURI: Is Sir Provash replying on behalf of Government? If so, what about Mr. Marr?

Mr. PRESIDENT: Am I to understand that Mr. Marr has delegated his powers to you, Sir Provash?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is not the position. I have to reply on behalf of Government. The Hon'ble Mr. Marr only asked for the grant.

Mr. PRESIDENT: You are perhaps speaking as an individual member.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am speaking on behalf of Government to give the Government reply.

Mr. PRESIDENT: You can speak as an individual member if you like.

The Hon'ble Sir PROVASH CHUNDER MITTER: I must bow to your ruling, but I may point out for your future consideration.....

Mr. PRESIDENT: Sir Provash, you are pointing out many things for my future consideration. I think you had better leave all that to me.

The Hon'ble Sir PROVASH CHUNDER MITTER: As you are doing your duty, Sir, I am also trying to do my duty. If you will allow me, I would like to point out for your future consideration although to-day I am replying as an individual member.....

Mr. PRESIDENT: I shall be glad if you would refer to your own duty and say nothing about mine.

The Hon'ble Sir PROVASH CHUNDER MITTER: We have our own ideas on the subject. As I am replying as an individual member.....

Rai HARENDRANATH CHAUDHURI: The Hon'ble Member should not use the word "replying."

The Hon'ble Sir PROVASH CHUNDER MITTER: Speaking as an individual member, I desire to say that the matter was recently debated. The question is undoubtedly one of paramount importance and it being one of paramount importance, the views of all sections of the House was forcibly brought to the notice of Government only a few days ago. As the matter was forcibly brought to the notice of Government, I may tell the House that the position is keenly watched.....

Rai HARENDRANATH CHAUDHURI: Not "hourly" but keenly watched.

The Hon'ble Sir PROVASH CHUNDER MITTER: The subject is too serious for this kind of interruptions. I have no doubt that my friend realises that the subject is too serious.....

Rai HARENDRANATH CHAUDHURI: On a point of personal explanation, Sir. The subject is too serious but the pretence of seriousness is no good and does not commend itself to us.

Mr. PRESIDENT: Order, order.

The Hon'ble Sir PROVASH CHUNDER MITTER: I may give a general idea to the House. The total amount which has been made available from different sources, partly by grants, partly by loans and partly by the Co-operative Department, for the relief of distress is over Rs. 37½ lakhs. I will now give the main heads. This amount of Rs. 37½ lakhs is apart from private charity and has been placed at the disposal of the authorities of the famine-stricken areas for the relief of distress. This is quite independent of private charity, and I am glad to acknowledge that the amount of private charity has been considerable. Out of Rs. 37½ lakhs, Rs. 18,88,200 was spent under various heads such as relief works, gratuitous relief, agricultural loans, land improvement loan. A sum of Rs. 18,71,500 was spent through the Co-operative Societies, making the total Rs. 37½ lakhs.

Mr. SUBHAS CHANDRA BOSE: What is the amount spent on gratuitous relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: Roughly speaking the total amount spent on gratuitous relief including relief works will be about Rs. 4 lakhs. The amount spent on gratuitous relief alone will be about Rs. 55,000. It is no doubt a small sum but our point is this.....

Babu AKHIL CHANDRA DATTA: On a point of order, Sir. You have ruled that Sir Provash is not entitled to reply but it seems that he is replying on behalf of Government and not as an individual Councillor.

Mr. PRESIDENT: How can you say that he is "replying" on behalf of the Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am a Member of the Executive Council and I am speaking as such.

Mr. SUBHAS CHANDRA BOSE: Will you not allow, Sir, the mover to reply?

Mr. PRESIDENT: If he chooses to do so. Sir Provash, you may go on.

The Hon'ble Sir PROVASH CHUNDER MITTER: The point is that there is no doubt distress and acute distress. Apart from making political use of this unfortunate position, the main question is what amount has been made available for the amelioration of distress. Of course, if political use is made out of human misery.....

Rai HARENDRANATH CHAUDHURI: What about political defects?

Mr. PRESIDENT: Order, Order. Sir Provash, you may go on.

The Hon'ble Sir PROVASH CHUNDER MITTER: As I was saying, Rs. 37½ lakhs have altogether been spent on the amelioration of human misery. I have already given the figure for gratuitous relief and I admit that it is small, viz., Rs. 55,000. I may state that the sums that the local officers will ask for, Government will be prepared to spend. I am giving this information in view of what has been pointed out by Khan Bahadur Maulvi Ekramul Huq. This is not the last thing and it may not be the last thing. We may again come up for further grants. It will depend on what is wanted.

7-30 p.m.

Now Government must proceed on somebody's information, and the local officers have been asked to place information at the disposal of Government.....(A VOICE: Mr. Hart.) Yes, Mr. Hart amongst others.

(At this stage the time-limit under the head "43—Famine Relief and Insurance" was reached.)

The following motion was then put and agreed to:—

"That the demand of Rs. 1,00,000 under the head '43—Famine Relief and Insurance' be reduced by Re. 1."

The original demand that a sum of Rs. 1,00,000, as amended by the Council, be granted for expenditure under the head "43—Famine Relief and Insurance" was then put and agreed to.

Mr. PRESIDENT: Before we adjourn, I have to tell members that the balloting for the Committee of seven members to assist the Statutory Commission will begin at 2-15 p.m. in the Committee Room to-morrow, and will close at 2-55 p.m.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 3rd August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 3rd August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 115 nomniated and elected members.

Starred Questions

(to which oral answer were given).

Waterworks in riparian municipalities.

*27. **Babu AMULYA CHANDRA DATTA:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) how many municipalities are situated on the banks of the Hooghly river, and

(*ii*) how many municipalities in the districts of Hooghly and the 24-Parganas have got water-works?

(*b*) Is the Hon'ble Minister aware that those municipal areas which have no water-works are subject to frequent cholera epidemics and other water-borne diseases?

(*c*) What arrangements have been made for the supply of good and pure drinking water in the municipal areas referred to in (*b*)?

(*d*) Are the Government considering the desirability of helping these municipalities with sufficient funds for the installation of water-works or the sinking of tube-wells?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government have any definite policy to remove the evils caused by the pollution of the water of the river Hooghly by the effluent discharges from the septic tanks of the mills on either side of the river?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): (*a*) (*i*) 23.

(*ii*) Only 2 have their own water-works. Besides, there are 2 which obtain their water-supply from Calcutta, and which get their supply from the Howrah water-works and 7 which are supplied with filtered water from the local mills.

(*b*) The absence of a supply of filtered water undoubtedly makes such municipalities more liable to outbreaks of water-borne diseases.

(*c*) Drinking water in those municipal areas is obtained from rivers, tanks and wells. Some municipalities have sunk tube-wells with satisfactory results.

(*d*) So far as funds permit, Government are prepared to make the normal grant of one-third of the cost of approved schemes and are also willing to make loans when required.

(*e*) So far as the particular source of pollution mentioned in the question is concerned, Government have framed rules for the control of septic tanks, a copy of which is laid on the library table.

Clerks in the office of the Inspector-General of Registration and in the Calcutta Registration Office.

***28. Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to state whether it is a fact that the clerks in the office of the Inspector-General of Registration draw more than those in the Calcutta Registration Office?

(*b*) Is it a fact that formerly the clerks both in the offices of the Inspector-General of Registration and in the Calcutta Registration Office were on the same scale of pay?

(*c*) If the answer to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state when, and the reasons why, this discrimination was resorted to?

MINISTER in charge of DEPARTMENT of EDUCATION (REGISTRATION) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

Recording of bargadars in the cadastral survey and settlement of the district of Pabna.

*29. **Srijut JOGENDRA NATH MOITRA:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state whether, during the recent cadastral survey and settlement of the district of Pabna, bargadars under zamindars and tenure-holders have been recorded as raiyats and in some cases bargadars working under the raiyats have been recorded as under-raiyats?

(*b*) Is it a fact that the share of crop payable by the bargadars has been entered in the column of rent?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether any inquiry was made as to the nature of the local usage, custom and status of the bargadars?

(*d*) If any inquiry was made, will the Hon'ble Member be pleased to lay on the table the report or reports of such inquiries?

(*e*) If no such inquiry was made, will the Hon'ble Member be pleased to state on what materials the settlement authorities recorded bargadars as raiyats or under-raiyats?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) Yes.

(*c*) The usual enquiries were made.

(*d*) Enquiries were made in the course of settlement operations and the results embodied in the records.

(*e*) Does not arise.

Srijut JOGENDRA NATH MOITRA: With reference to (*e*), will the Hon'ble Member be pleased to state whether any definite instructions were issued to settlement authorities regarding this?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Srijut JOGENDRA NATH MOITRA: With reference to (*d*), the answer is not conclusive. My question was that I wanted reports, and the answer is that inquiries were made.

Mr. PRESIDENT: What is your question?

Srijut JOGENDRA NATH MOITRA: My question is where is the report, and what is the report?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not quite understand, but if the hon'ble member means where is the report, I should say, the report itself is not in this House.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state what is the nature of the inquiries? He does not give that information.

The Hon'ble Sir PROVASH CHUNDER MITTER: Inquiries are made on the facts; each case depends on the result of inquiry on each particular case.

Mr. BIJOY PROSAD SINGH ROY: Will the Hon'ble Member be pleased to state what steps were taken by the Government to prevent such record in future?

The Hon'ble Sir PROVASH CHUNDER MITTER: That depends upon the facts of each case; a general order cannot be passed.

A MEMBER: Will the Hon'ble Member be pleased to let me know under what provision of the law the bargadars are recorded as under-raiyats.

The Hon'ble Sir PROVASH CHUNDER MITTER: That depends on the legal view of the matter taken by the officer recording and perhaps supported by legal opinion taken by him or by any other officers.

A MEMBER: Is it not a fact, considering that the view taken by the Settlement Officer is admittedly wrong; will the Government take any steps to prevent such record in future?

The Hon'ble Sir PROVASH CHUNDER MITTER: It depends on the facts of each case. Government cannot accept any sweeping generalization.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state whether any general instructions to this effect are given to these officers?

The Hon'ble Sir PROVASH CHUNDER MITTER: Beyond the instructions contained in the departmental rules of Government, which can be obtained by the public, there are no other instructions.

Mr. D. N. ROY: Will the Hon'ble Member state whether any other instructions, besides those in the rules just now mentioned, are not given?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I know, no other instructions were given, but if any member so desires I am prepared to make inquiries.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Member be pleased to state if he thinks it desirable to issue instructions to the settlement authorities to rectify this mistake?

The Hon'ble Sir PROVASH CHUNDER MITTER: This is partly a matter of opinion and partly depends on the facts of each individual case.

Srijut NAGENDRA NATH SEN: As regards the nature of the inquiries made, were they made after the preliminary stages with regard to each mouza of each district or subdivision, and what was the result of all the inquiries?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no personal knowledge; I should like to have notice of this.

Steps taken by the Government in the districts where distress prevails.

***30. Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state what steps, if any, have been taken by the Government in the districts where distress prevails after the adjournment motion was discussed in the Bengal Legislative Council on the 11th July, 1928?

(*b*) Will the Hon'ble Member be pleased to make a statement, district by district, as to whether distress has increased or decreased since the 1st July, 1928?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) *Vide* the *communiqués* issued on 18th July and 27th July. Copies are laid on the table.

Government of Bengal, Department of Revenue communiqué, dated Calcutta, the 18th July, 1928, referred to in the reply to starred question No. 30.

In connection with famine relief the measures taken by Government and the local officers from the time signs of distress became visible were described in a *communiqué* issued on 31st May, 1928.

The areas affected are parts of the districts of Birbhum, Burdwan, Bankura, Murshidabad, Nadia, Khulna, Malda and Dinajpur. Test relief works were started in the affected areas of Bankura, Birbhum, Nadia, Murshidabad, Dinajpur and Malda. The relief works undertaken were all of the nature of small village works such as roads, tanks, wells, etc. The following statement shows the number of persons attending these relief works since May last:—

—	Bankura.	Birbhum.	Nadia.	Murshidabad.	Dinajpur.	Malda.
23rd May, 1928	1,153	1,813	503	1,990	2,604	1,879
30th May, 1928	678	2,055	66	2,045	1,672	4,012
6th June, 1928	1,738	964	Closed	Not reported.	1,674	4,014
13th June, 1928	1,327	2,159	..	1,269	1,835	4,110
20th June, 1928	483	1,145	..	419	1,269	2,364
27th June, 1928	408	870	..	Closed	1,183	2,500
4th July, 1928	187	438 (44 on 8th July).	..	..	349	3,133
11th July, 1928	163	Nil	..	..	356	1,972

The following statement shows the amounts granted by Government in the affected areas for relief works, loans and gratuitous relief up to 15th instant:—

—	Land improvement loans.	Agricultural loans.	Relief works.	Gratuitous relief.
	Rs.	Rs.	Rs. Rs.	Rs.
Burdwan ..	46,000	1,00,000	... ...	..
Birbhum ..	60,010	1,53,460	42,000 + 12,000 (from District Board).	14,000
Bankura ..	21,290	80,000	40,000 + 5,000 (from District Board).	12,000
Nadia ..	7,000	60,000	6,000 + 15,000 (from District Board).	....
Murshidabad ..	5,400	1,08,840	74,010 + 7,500 (from Flood Relief Fund).	4,000
Khulna ..	....	54,500	....	2,000
Dinajpur ..	12,000	4,17,201	77,000 + 26,000 (from District Board).	4,000
Malda ..	11,500	87,000	1,55,000 + 12,000 (from District Board).	4,000
Total ..	1,63,200	10,61,001	3,94,010 + 77,500 (from District Board and Flood Relief Fund).	40,000

The above figures are exclusive of the money spent by private individuals or bodies. Considerable relief was afforded by the Damodar Canal Works of the Irrigation Department in the district of

Burdwan and by the new railways in Dinajpur and Malda and also by the loans issued by the Central Banks under the Co-operative Department. These loans issued up to date in the affected districts are as follows:—

	Rs.
Burdwan	2,68,364
Birbhum	5,81,166
Bankura	19,340
Nadia	3,54,142
Murshidabad	1,93,200
Khulna (Satkhira) ..	59,365
Dinajpur	38,243
Malda	1,70,605
Total ..	16,94,425

Bankura.—Test relief works have been closed in 5 sections out of 19, as labourers ceased to attend. As transplantation of rice is in progress, labourers are getting employment in the fields at rates varying from 5 to 8 annas a day, in addition to food. There is, however, not much diminution in the number of persons in receipt of gratuitous relief as most of them are widows and orphans or men too ill or too old and infirm to do paddy planting.

Birbhum.—There has been good rain throughout the last few weeks. Transplantation of paddy seedlings is going on and prospects of crops are good. The number of persons attending the test relief works fell to 44 only on the 8th and nil on the 11th. There has been a slight rise in the price of local rice which is now 5 seers per rupee. Burma rice is selling at 8 seers per rupee in the Rampurhat subdivision; 161½ maunds of rice were distributed as gratuitous relief during the week ending 8th July.

Burdwan.—There has been good rain, and the conditions are favourable. Distribution of agricultural loans is continuing.

Murshidabad.—There has been sufficient rainfall and people found full employment in the fields. The test relief works were accordingly closed. Distribution of agricultural loans for purchase of seeds is continuing. There is no scope for land improvement loans at present.

Nadia.—The conditions have improved and relief works have been closed.

Khulna.—Signs of distress have appeared in certain parts of Satkhira subdivision. The causes, however, are different. After a series of poor harvests mainly due to salinity of the soil from tidal rivers whose headwaters are gradually silting up, the annual crop of 1927 failed partially. The numerous bundhs which are the only protection

have not for some time been kept in proper repairs by the landholders and are now of little use. Precautionary measures have been taken up and the area has been divided into 7 circles. Test relief works have been started by the District Board whose resources have been increased by a special augmentation grant of Rs. 8,000. The Board has also spent over Rs. 4,000 out of its ordinary revenues. Judging, however, from the nature of the population in the area what will be needed is gratuitous relief and also agricultural loans in some cases. Two poor houses have been opened. The situation is being closely watched.

Malda.—There has been good rain in the district. Transplantation of winter paddy has commenced at places, but the work in the fields is not yet sufficient to meet the demand for employment, and relief works are likely to continue for some time.

Dinajpur.—The rainfall in the affected area has been adequate and seedlings are being sown. The prospects of the aus crop and of jute are good.

The number of persons attending test works has decreased. People are now getting work cultivating the fields of others or on their own lands with the help of agricultural loans which are being freely issued.

Gratuitous relief is being distributed. Considerable funds have been provided by private charity.

Generally the situation is greatly improved by early and copious rains.

Work in the fields has begun in most places and people are deserting the relief works.

Distribution of agriculturist loans is nearly complete. The sum of Rs. 6,50,000 provided in the budget was insufficient to meet the current year's demands. A further Rs. 6,95,000 has been re-appropriated for the purpose and Government have been able to meet all the demands of local officers.

Distribution of gratuitous relief to aged and infirm persons and others who cannot work is still necessary and will be necessary till the next harvest. Such people depend usually on local charity, and for the present local charity is insufficient to meet the enhanced demands for assistance.

Government recognise the many acts of benevolence done by private individuals and bodies. Government also recognise the services of the local officers and the officers of the District and Union Boards, and of gentlemen working in relief committees. It is perhaps due to their vigilant work that there has been no outbreak of epidemic disease in any of the effected areas. No shortage of foodstuffs is reported from any district, and no action has been considered necessary to restrict trade.

The following statement compares the price (seers per rupee) this year with that in the corresponding months of the last year:—

		February.	May.	July.
Balurghat (Dinajpur)	1927	6	6	5
	1928	5½	5¾	5
Malda	1927	6	5½	5
	1928	5	5½	5
Satkhira (Khulna)	1927	5¾	5¾	5
	1928	5	5½	5¾
Nadia	1927	6½	5¾	5½
	1928	5½	4¾	4¾
Murshidabad	1927	6	5½	5½
	1928	5	5	5½
Burdwan	1927	5½	5½	5¼
	1928	5	5	5
Rampurhat (Birbhum)	1927	6	6	5½
	1928	5¾	5½	5
Bankura	1927	6¼	6¼	5¾
	1928	6¼	6	5½

The price of rice is high, but except in Nadia, Burdwan and Birbhum not higher than last year, and the rise since February is not abnormal.

W. H. NELSON,

Secretary to the Government of Bengal,
Department of Revenue.

Government of Bengal, Department of Revenue communiqué, dated the 27th July, 1928, referred to the reply to starred question No. 30.

Favourable rain has continued in all the areas affected by scarcity and people are finding employment in the fields. Attendance on relief works fell in all districts, except Dinajpur, thus:—

	Bankura.	Birbhum.	Dinajpur.	Malda.
11th July, 1928	163	Nil (44 on 8th July).	356	1,972
18th July, 1928	67	14	493	294

Advances to agriculturists continued to be given in all the affected districts, and the following additional grants have been made since the last *communiqué* of the 18th July:—

	Land Improvement loans.	Agricultural loans.
	Rs.	Rs.
Up to 18th July, 1928	1,63,200	10,61,001
From 19th July to 25th July ..	5,000	2,10,000

The Central Banks under the Co-operative Department have, in addition to Rs. 16,94,425 issued up to 18th instant, further Rs. 1,77,086 as loans in the affected districts.

Bankura.—Test relief works have been closed in 5 more sections. Agriculturists' loans issued up to 20th instant amounted to Rs. 78,715 and Land Improvement loans Rs. 13,550. The District Committee has supplied cloth to 1,041 persons and is giving gratuitous relief of rice to indigent persons. The Ramkrishna Mission and the Bankura Sammilani are giving relief to many people in Barjora and Kotalpur thanas. The Burdwan Raj are also giving relief to their khas mahal tenants.

Birbhum.—Agriculturists' loans issued up to 15th July amounted to Rs. 1,30,411 and Land Improvement loans Rs. 28,969. During the week ending the 15th, 88 maunds of rice were distributed as gratuitous relief. Total amount spent on relief works up to the same date was Rs. 32,254.

Burdwan.—During the week ending 21st July, Rs. 1,100 was distributed as Land Improvement loans and Rs. 4,000 as Agricultural loans.

Murshidabad.—Test relief works have been closed for want of attendance. Agricultural loans actually distributed up to 21st instant amounted to Rs. 98,161 and gratuitous relief during the week ending the 21st amounted to Rs. 405.

Malda.—Only 294 persons attended the relief works on the 18th, Rs. 63,095 has been actually distributed as Agricultural loans and Rs. 2,300 under the Land Improvement Act.

Khulna.—Rupees 54,500 was distributed as agricultural loans up to 11th July. Relief operations have been organised under 5 Sub-Deputy Collectors and a District Relief Fund has been started. Several poor houses have been started and food is being supplied to about 1,200 persons daily. Besides this and distribution of rice, up to July 11th, 350 pieces of cloths were distributed. Arrangements have also been made for jute spinning work under section 187 of the Famine Code. The situation requires careful watching and this is being done.

Dinajpur.—Since the last *communiqué* of 18th July a further grant of Rs. 1,50,000 has been made for agricultural loans. The total actually distributed up to 17th July was Rs. 2,50,996; 1,935 persons received gratuitous relief. During the week ending 21st July Balurghat Central Co-operative Credit Bank issued Rs. 2,095 to 6 societies for loans to their members.

W. H. NELSON,

Secretary to the Government of Bengal,
Department of Revenue.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member in charge of the Department of Revenue be pleased to say what the policy of Government is in reimbursing the District Boards as to the expenditure which these Boards have incurred in undertaking relief works?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I am aware, that has yet to be settled.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether he has heard a report to the effect that considerable difficulty has been felt in some of the District Boards in Bengal in operating the present Famine Code?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no personal knowledge, but I can assure the hon'ble member, through the President, that we propose to treat the District Boards liberally.

Khan Bahadur Maulvi AZIZUL HAQUE:—This is not my question. My question is whether the Hon'ble Member has heard a report to the effect that considerable difficulty has been felt in some of the District Boards in Bengal that the Famine Code, such as it is, is almost unworkable.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware of this, but I will inquire, if we are asked to do so.

Maulvi KADER BAKSH: Will the Hon'ble Member be pleased to say whether any railway line construction was undertaken in Balurghat subdivision of Dinajpur district?

The Hon'ble Sir PROVASH CHUNDER MITTER: We are not aware.

Rai HARENDRANATH CHAUDHURI: In view of the answer given yesterday by the Hon'ble Member, will he be pleased to tell us whether the figure of Rs. 40,000 shown under this head is the correct figure or not?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, it is the correct figure.

Rai HARENDRANATH CHAUDHURI: Why was Rs. 55,000 given last night?

The Hon'ble Sir PROVASH CHUNDER MITTER: That was the figure up to date. Here I have given the figure up to the date on which the question was received. Without comparing those figures, I cannot give the exact figures now; about Rs. 3,70,000 was made available partly by gratuitous relief, partly by agricultural loans, partly by relief work, and partly by the Co-operative Society, but if the hon'ble member wants information, and wants to compare yesterday's statement with this, there might be some difference, because these are the figures quoted up to the 18th July, and the figures given yesterday were the figures up to that date.

Rai HARENDRANATH CHAUDHURI: With reference to the statement made in page 195 of the answer regarding Khulna, "judging, however, from the nature of the population in the area, what will be needed is gratuitous relief and also agricultural loans in some cases," will the Hon'ble Member be pleased to state how it is in Khulna that only Rs. 2,000 was given away by way of gratuitous relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: I understand that there is still a fund which the Collector says is not yet exhausted.

Rai HARENDRANATH CHAUDHURI: Are we to understand that the Collector has still a fund?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, a separate fund.

Rai HARENDRANATH CHAUDHURI: Was that fund contributed by Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: No. I understand that it remains from the previous collection.

Rai HARENDRANATH CHAUDHURI: Are we to understand that the Collector is not spending from the Government fund, but from the other funds contributed by public generosity?

The Hon'ble Sir PROVASH CHUNDER MITTER: We have no definite information. I will inquire.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether he is going to increase the gratuitous relief for Khulna?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am prepared to inquire into it, but as stated yesterday, the present attitude of Government is that if the District Officer wants more, we are willing to pay more.

Mr. RANJIT PAL CHOUDHURI: Will the Hon'ble Member be pleased to state whether gratuitous relief was given to Nadia?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I am aware, it was never asked for.

Maulvi KADER BAKSH: In the answer on page 194, second paragraph, it is stated: "Considerable relief was afforded by the Damodar Canal Works of the Irrigation Department in the district of Burdwan, and by the new railways in Dinajpur and Malda.....," is the Hon'ble Member aware that no new line was constructed in Balurghat subdivision where famine prevails? Will he state how it afforded relief by railway lines in Balurghat subdivision?

The Hon'ble Sir PROVASH CHUNDER MITTER: As far as I understand, there was construction on the Dinajpur and Malda Railway, and so far as I have been able to gather there was no construction of railways in Balurghat.

Maulvi KADER BAKSH: Then how was relief given by the Dinajpur railway construction?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice of that.

Maulvi KADER BAKSH: In the answer on page 196, "Dinajpur: The rainfall in the affected area has been adequate and the seedlings are being sown. The prospects of the aus crop and of jute are good," will the Hon'ble Member be pleased to say whether he considers that the prospects of aus and jute in that affected area of Balurghat are good?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is our information; if he wants any further information, we are prepared to give it.

Maulvi KADER BAKSH: Is the Hon'ble Member aware that no jute or aus is cultivated in that area where famine is now?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware, but as the hon'ble member has definitely made that statement, I am not prepared to contradict him.

Distress in Khulna.

***31. Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state what steps, if any, have been taken by the Government to combat the distress prevalent in the presidency, giving details as to the amounts sanctioned for—

(*i*) gratuitous relief;

(*ii*) land improvement loans; and

(*iii*) agricultural loans?

(*b*) Is the Hon'ble Member aware of the appeal issued by the Khulna Collector, Mr. Quinton, for funds to help the faminestricken people in the Khulna district?

(*c*) If so, what steps have the Government taken in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The steps taken with the necessary details are enumerated in the *communiqués* of 18th and 27th July, 1928.

(*b*) Yes.

(*c*) A District Relief Fund has been started. Rupees 79,500 for loans and Rs. 2,000 for gratuitous relief have been sanctioned by Government towards relief measures. The Collector has organised centres of relief in the affected area and is working in co-operation with the local people.

Srijut NAGENDRA NATH SEN: Is the Hon'ble Member aware whether the *communiqué* referred to in paragraph (*1*) of his reply is identical with the statement he has made with reference to answer 30?

The Hon'ble Sir PROVASH CHUNDER MITTER: I think so.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state when the Collector of Khulna asked for money from the Government for the relief of scarcity?

The Hon'ble Sir PROVASH CHUNDER MITTER: Last week he asked for Rs. 5,000 and got it.

Rai HARENDRANATH CHAUDHURI: By way of gratuitous relief? And under what head?

The Hon'ble Sir PROVASH CHUNDER MITTER: No. Loans.

Rai HARENDRANATH CHAUDHURI: Has he been instructed to grant gratuitous relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Inquiry into the Bamangachi's shooting.

***32. Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether any official inquiry has been held into the Bamangachi shooting affair in connection with the Lillooah strike?

(*b*) If so, who are the officers who have held this inquiry?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) The District Magistrate, Howrah.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state what is the result of the enquiry held?

The Hon'ble Mr. W. D. R. PRENTICE: The hon'ble member must be aware that there are certain judicial cases pending in connection with the occurrence. Until these cases are decided, Government are advised that it would be improper to make any statement.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to lay the report before the House?

The Hon'ble Mr. W. D. R. PRENTICE: The report cannot obviously be placed before the House until the cases are disposed of.

Détenus and State prisoners.

*33. **Mr. SUBHAS CHANDRA BOSE:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the total number of persons at present confined in jails in and outside Bengal under the Bengal Criminal Law Amendment Act and the Bengal Regulation III of 1818 respectively;

(*ii*) the total number of persons in village internment in Bengal other than home domicile up to 14th July, 1928;

(*iii*) the total number of persons in home internment up to 14th July, 1928;

(*iv*) the total number of persons externed from Bengal;

(*v*) the names of provinces and places where the externees have been residing; and

(*vi*) the total number of persons who have been externed and prohibited from entering into other parts of Bengal excepting the one particular place or district selected by the Government?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Nil.

(*ii*) 9—the present figure is 8.

(*iii*) 10—the present figure is 4.

(*iv*) 6—the present figure is 2.

(*v*) Government are not prepared to publish this information.

(*vi*) 4—the present figure is 2.

Externee Bepin Behari Canguli.

*34. **Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the present state of health of externee Bepin Behari Ganguli, and

(*ii*) whether he is still suffering from dyspepsia and insomnia?

(*b*) What is the reason that two police constables were posted at the entrance of Srijut Sushil Kumar Ghosh's house at Halisahar from 10 a.m. to 2 p.m., i.e., the whole period Bepin Babu was present at Halisahar on the 7th March last?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) The latest report from the local authorities is that his health has improved recently.

(*ii*) To a certain extent from dyspepsia. There is no complaint about insomnia.

(*b*) No police constables were posted as alleged.

Kadua field in the Amta Drainage Scheme.

*35. **Babu AMULYA CHANDRA DATTA:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the Government have received the report of the District Magistrate of Howrah about its scheme for the reclamation of the Kadua field in the Amta basin in that district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the report?

(*c*) Are the Government considering the desirability of providing sufficient money in the next year's Budget for the reclamation of the said area?

(*d*) Is the Hon'ble Member aware of the acute distress caused in that part of the district by almost yearly floods and admitted by Government in answers to previous questions on this subject?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) The Collector's report is not before Government.

(*b*) Does not arise.

(*c*) In view of the present financial situation, it has been decided not to proceed with the Amta Drainage Scheme which covers the Kadua Math area.

(*d*) The answers to previous questions, namely, those at the February session of 1927, September session of 1916 and January session of 1914, may be referred to.

High schools for girls.

*36. **Babu AMULYA CHANDRA DATTA:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*i*) the present number of high schools for girls in the Presidency;

(*ii*) how many of them are provincialised or exclusively financed by Government;

(*iii*) how many of them are Government aided; and

(*iv*) whether there are any such schools run independently of Government aid?

(*b*) Have Government any definite policy to increase the number of provincialised high schools?

(*c*) Are the Government considering the desirability of having at least one such school in the headquarters of each district?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) (*i*) 22 for Indian girls on 31st March, 1928.

(*ii*) 5 for Indian girls on 31st March, 1928.

(*iii*) 17 for Indian girls on 31st March, 1928.

(*iv*) Nil.

(*b*) and (*c*) Government are willing to encourage, within the limits of funds available, the establishment and maintenance of high schools for girls on the grant-in-aid basis in localities where there is a reasonable demand for such education amongst girls and adequate private support is forthcoming.

Maulvi KADER BAKSH: Will the Hon'ble Minister be pleased to state whether in the schools which are described as "provincialized or exclusively financed by Government" there are any Muhammadan girl students?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this.

Maulvi KADER BAKSH: Will the Hon'ble Minister be pleased to state whether there are any arrangements for imparting Muslim education to girls in these schools?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state the percentage of Moslem girls in clauses (*ii*) and (*iii*)?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this.

Maulvi NURUL HUQ CHAUDHURI: During his term of office, did the Hon'ble Minister at any time inquire into the condition of Moslem female education in Bengal?

Mr. PRESIDENT: I do not allow that question.

Clerks and muharrirs of the Registration Department.

***37. Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to state whether it is a fact that in March, 1928, the mufassal clerks and muharrirs of the Registration Department submitted a memorial to the Inspector-General of Registration stating their grievances?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the same?

(*c*) Will the Hon'ble Minister be pleased to state what action, if any, the Government have taken or propose to take in the matter?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) The reply is in the affirmative.

(*b*) A copy of the memorial is laid on the table.

(*c*) Government propose to consider the memorial on receipt of the Inspector-General of Registration's report.

Memorial referred to in the reply to clause (b) of starred question No. 37.

TO THE INSPECTOR-GENERAL OF REGISTRATION, BENGAL (THROUGH THE REGISTRAR OF BAKARGANJ AND THE SUB-REGISTRAR OF GOURNADI).

(The humble memorial of the mufassal clerks and the muharrirs of the Registration Department.)

MOST RESPECTFULLY SHOWETH—

I. That your humble memorialists being servants of the subordinate staff of the Registration Department are members of an unpopular service in which conditions of duties are harder and responsibilities heavier than in any other department of the Government. But the scale of pay as laid down for the service to which your humble memorialists belong is quite inadequate from all points of view.

II. That your humble memorialists most respectfully submit that the pay which they are at present getting is not sufficient even for the barest necessaries of life, not to speak of there being no margin for decency and comfort. It is only with great difficulties that they manage to live. Their whole existence is a misery without a ray of sunshine to cheer their unhappy lives. Worry and anxiety are their constant companions, and the life of a clerk or a muharrir is a sad tale of great wants.

III. That your humble memorialists most respectfully submit that year after year the pressure of work is increasing, and this evergrowing burden of works is seriously telling upon the health of the poor clerks and muharrirs. They have never complained and have done their duties silently. But now the pressure has become almost unbearable. In the year 1905, this department was reorganized. The nature of the duties of the respective classes of officers and an estimate of the work were formulated at that time. The following duties were prescribed for the subordinate staff of this department, as will appear from the following extract from the General Letter No. 4219 of 1905: They (*i.e.*, the clerk and muharrirs) should be mainly employed on the work of copying, comparing and indexing deeds. From the Registration Manual it will appear that copying of 12 pages and comparing of 20 pages written by others are the duties prescribed for the permanent muharrirs in the mufassal office while the permanent muharrirs of the Sadar offices are required to copy 10 pages and compare 20 pages. The clerks are required to post 200 entries in the index book. These figures were fixed, no doubt, after due enquiry by the then authority and represent the full amount of work that can be done by the clerks and muharrirs in one working day without any extra pressure. The only miscellaneous duty of the clerk was then to prepare monthly returns.

More than 20 years have rolled by since that wise estimate. During this period registration work has nearly doubled. It should be noted that the department was managed with officers with reference to the figures of 1905. Hence with this increase in the amount of work and specially when during the heavy season the Sub-Registrars themselves are overworked, the permanent staff have to help them besides doing their own prescribed works. But the tale of misery does not end here; slowly various kinds of miscellaneous works were introduced and were required to be done by the clerks. Thus in addition to their own prescribed standard of work—a work which takes an average working day of six hours to finish—the clerk has to do many miscellaneous duties, and the list of these duties has been added to with increase in the number of registration. Thus a clerk in a mufassal office has to write daily chalans of registration fees. (2) Chalans of landlords and process fees. (3) Arrange for the service

of notice under the Bengal Tenancy Act. (4) Prepare the daily rough drafts. (5) Keep the register of letters issued and received together with the correspondence works. (6) Keep account. (7) Attend to applicants for searching records. (8) Checking the works of extra and permanent muharrirs. (9) Prepare all sorts of bills. (10) Look after the arrangement and preservation of records. (11) Keep the contingent register. (12) Keep the sub-voucher book. (13) Keep the court-fee stamp register. (14) Keep the stock book of forms and stationeries. (15) Keep the catalogue of books, etc., etc., other minor registers and instead of sending the monthly returns only which he had to do before, he has now to send weekly, monthly and quarterly returns, indents for forms and other periodical returns and statements, etc.

These miscellaneous duties cannot be said to be merely nominal requiring a few minutes' attention every day, for it takes some four hours at least every day to finish these. Hence the labour of the clerks has been indirectly doubled, *i.e.*, six hours for indexing and four hours for these miscellaneous works. He has to begin his work early in the morning and continue till 10 a.m., and after snatching a hasty meal has to join at 11 a.m., and work up to 8 p.m., or more, and this has to be repeated every day in the year. But that is not all, as under the circular the clerks are to take thumb impressions which means that the clerk will remain engaged during the office hours in taking thumb impressions and another ten hours for the aforesaid duties. Practically they have been asked to work some 14 hours a day. The permanent muharrirs have to copy 12 pages and compare 24 pages, and the heavy amount of these works leaves no time for the muharrirs to learn the duties of the clerk. Being ignorant of the clerical duties, most of the muharrirs cannot work off arrears even when the clerks are on casual leave, and thus the clerks have to work off all the arrears when they return from leave in addition to their daily routine duties.

IV. That your humble memorialists most respectfully submit: That the burden has become practically unbearable. Unlike other Government servants who work from 11 A.M. to 5 P.M., your humble memorialists have to work throughout the year from morning till late hours at night. Holidays they have almost none; surely it can never be the intention of the benign Government to overwork their helpless employees and thereby to shatter their health.

V. That your humble memorialists most respectfully submit that (*i*) at present the clerks of the Sadar offices enjoy a higher scale of pay than the clerks of mufassal offices. There are no grounds for this distinction, and if truth must be told, while the clerks of the Sadar office remain in charge of some special department, the clerks of the mufassal offices have to cope single handed with all the necessary works of every department that are required to be done. (*ii*) Similarly the

permanent muharrirs of the Sadar offices have to copy less number of pages, yet they draw a higher pay, i.e., for less work they get higher pay.

VI. That your humble memorialists most respectfully pray—

(*a*) That all the distinction of scales of pay between Sadar and mufassal officers may be done away with.

(*b*) That the clerks of the Registration Department should receive a pay equal to that enjoyed by the clerks of the other departments of the Government, *i.e.*, Collectorate, etc.

(*c*) That the miscellaneous duties of the clerk should be taken into account in fixing their daily duties.

(*d*) That the muharrirs should be raised to the status of a clerk and that they may be named as assistant clerks.

(*e*) That the burden of work of the muharrirs which is at present very heavy should be reduced to 10 pages of copying and 20 pages comparing and, if necessary, the copying works should be less in order that they may help the clerk to work off arrears and at the same time to learn the various duties of the clerk.

(*f*) That provision may be made to work off the arreans in index works by appointing temporary clerks in piece-work rate.

VII. That your humble memorialists most respectfully submit that they have every faith in your honour and in the justice of the Government, and in submitting this memorial for the redress of their grievances, it has not been their aim to harass the department by creating fancied grievances and making extravagant and unreasonable claims, but their aim has been simply to state the facts as they are and to submit a modest demand, and they have no doubt that a redress along these lines will not be long in coming.

And for these mercies your humble memorialists as in duty bound shall ever pray.

JOGES CHANDRA DAS GUPTA,

Clerk.

SATYENDRA NATH BOSE,

JINNATALI FAKIR,

Muharrirs.

GOURNADI,

The 27th February, 1928.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware that the office of the Inspector-General of Registration is in the same building as the office of the Minister himself? Does the Minister consider that 5 months is not sufficient for him to get answers from the Inspector-General?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I do think an answer is necessary; I do not believe a reply is wanted.

Khan Bahadur Maulvi AZIZUL HAQUE: It is not for the Minister to decide whether a reply is necessary; it is for the President.

Mr. PRESIDENT: You are quite right, Khan Bahadur. But I cannot allow that question.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: This is not a question for eliciting information from me; it is a vexatious question.

Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Minister be pleased to remind the Inspector-General to send in a report as quickly as possible?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I will do that.

Khan Bahadur Maulvi AZIZUL HAQUE: What is the Hon'ble Member's idea of quickness? Is 3 years not quick enough?

Mr. PRESIDENT: I do not allow that question.

Crimes in the Narail police-station.

***38. Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that in the Narail police-station in the district of Jessore cases of theft, burglary and dacoity are daily on the increase?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement from June, 1926, to June, 1928, showing—

(*i*) the number of theft, burglary and dacoity cases committed within the Narail police-station;

(*ii*) names of the villages and the persons at whose houses the crimes, viz., theft, burglary, or dacoity, as the case may be, was committed?

(*iii*) number of cases in which the miscreants were brought to book;

(*iv*) number of such miscreants;

(*v*) instances in which the miscreants escaped justice; and

(*vi*) the number of them still at large?

(*c*) Will the Hon'ble Member be pleased to state whether Government have taken or intend taking any steps with regard to the miscreants referred to in (*v*) and (*vi*) of clause (*b*)?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) In 1927 there was a considerable increase in the number of cases of theft as compared with 1926. The increase in the number of burglaries was insignificant. No dacoities were reported during the years 1925 to 1927, and one was reported during the first six months of 1928.

(*b*) (*i*), (*iii*), (*iv*) and (*v*) A statement is laid on the table.

(*b*) (*ii*) The compilation of such a statement would involve an expenditure of time incommensurate with the value of the information given.

(*vi*) The number of such persons cannot be given.

(*c*) Government are unable to take any action unless and until evidence is forthcoming.

Statement referred to in the reply to clause (b) (i) (iii) (iv) and (v) of starred question No. 38, showing the number of cases of theft, burglary and dacoity in which, and the number of persons against whom, charge sheets were submitted, the number of convictions, and the number of true cases undetected.

NARAIL POLICE-STATION (JESSORE).

	Theft cases.					
	Number reported.	Number of charge sheets.	Number of persons sent up.	Nunber of convictions.		Number of true cases undetected.
				Cases.	Persons.	
From 1st June, 1926, to 30th June, 1928.	74	13	20*	10	12	55

* 1 case with 3 persons is pending.

	Burglary cases.					
	Number reported.	Number of charge sheets.	Number of persons sent up.	Number of convictions.		Number of true cases undetected.
				Cases.	Persons.	
From 1st June, 1926, to 30th June, 1928.	162	11	18	7	13	150

	Dacoity cases.					
	Number reported.	Number of charge sheets.	Number of persons sent up.	Number of convictions.		Number of true cases undetected.
				Cases.	Persons.	
From 1st June, 1926, to 30th June, 1928.	1	Nil	Nil	Nil	Nil	1

Number of persons released unconditionally and subject to certain restrictions.

***39. Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing up to 14th July, 1928, the number and name of persons—

(*i*) who have been unconditionally released; and

(*ii*) who have been released subject to certain restrictions?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) and (*ii*) A statement of numbers is laid on the table.

Statement referred to in the reply to starred question No. 39, showing up to 14th July, 1928, the number of persons released unconditionally and subject to certain restrictions.

Unconditional releases under section 19 (*1*) of the Bengal Criminal Law Amendment Act, 1925—49.

Releases on conditions under section 19 (*2*) of the Bengal Criminal Law Amendment Act, 1925—22.

Releases under section 11 (*1*) (*a*), (*b*), (*c*) of the Bengal Criminal Law Amendment Act, 1925—76.

Détenu and State prisoners.

*40. **Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the names of the persons arrested under (*1*) the Bengal Criminal Law Amendment Act; and (*2*)Bengal Regulation III of 1818, at present in confinement in the various jails in India and Burma; and

(*ii*) their weights both at the time of arrests and at the present time?

(*b*) How many of them are in confinement outside Bengal?

(*c*) Will the Hon'ble Member be pleased to state the reasons for their incarceration outside the province?

(*d*) Will the Hon'ble Member be pleased to state whether any steps are being taken to supply them with their national diet suitable to their station in life and age?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*), (*i*), (*1*) and (*2*) There are no such persons.

(*a*) (*ii*) (*b*), (*c*) and (*d*) Does not arise.

Unstarred Questions

(answers to which were laid on the table).

Muhammadans on the ministerial staff in the office of the Administrator-General and Official Trustee, Bengal.

28. **Mr. SYED MD. ATIQULLAH:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the present number of (1) Muhammadan and (2) Hindu employees in the ministerial staff both in the higher and lower division of the office of the Administrator-General and Official Trustee, Bengal?

(*b*) Is the Hon'ble Member aware that the said office consists of 84 permanent hands with 7 apprentices?

(*c*) Is it is a fact that there is no Muhammadan Assistant in the higher division of the establishment in that office?

(*d*) Is it a fact that prior to 1924, Government had not recruited any Muhammadan Assistant either in the higher or in the lower division in the office of the Administrator-General and Official Trustee, Bengal?

(*e*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state why up to date no Muhammadan has been appointed in the upper grade?

(*f*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state the reason therefor?

(*g*) Will the Hon'ble Member be pleased to state what steps do the Government propose to take to raise the numerical strength of the Muhammadan Assistants of the said office on the basis of the recent Government of Bengal circular, "Appointment of 45 per cent. Musalmans in the clerical service?"

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) A statement is laid on the table.

(*b*) There are 85 ministerial officers and the number of apprentices is 9.

(*c*) Yes.

(*d*) No. The first Muhammadan apprentice was taken on the 4th October, 1923, and he was made permanent in January, 1924.

(*e*) Promotion to the upper grade is made strictly by merit and the discretion rests entirely with the head of the office.

(*f*) Does not arise.

(*g*) Instructions were issued to the Administrator-General and Official Trustee, Bengal, in January, 1927, to adopt such principles of recruitment in his office as will result in the percentage of Muhammadans employed in his office being brought up to a minimum of 33⅓ per cent. within a reasonable period. These orders can only take effect gradually as vacancies occur and the progress made is watched through a report submitted at the end of each calendar year. There is no Government order requiring the appointment of 45 per cent. Musalmans in the clerical service.

Statement referred to in the reply to clause (a) of unstarred question No. 28, showing the present number of (1) Muhammadan and (2) Hindu employees in the ministerial staff both in the higher and lower division of the office of the Administrator-General and Official Trustee, Bengal.

	Higher Division.	Lower Division.
Muhammadans	... ...	5
Hindus	... 16	64

Mohanganj Khal in Bakarganj.

29. Babu SARAL KUMAR DUTT: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the Mohanganj Khal in the Sadar subdivision of the district of Bakarganj is being silted up to the inconvenience of the agricultural population of the locality and traffic along that route?

(*b*) Have the Government made any inquiry to find out the cause of this silting?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the causes?

(*d*) What remedies, if any, have been suggested as a result of the inquiry?

(*e*) What actions, if any, have been taken or are proposed to be taken in the matter?

(*f*) If the answer to (*b*) is in the negative, are the Government considering the desirability of making an immediate inquiry?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) The khal is silting up.

(*b*) Yes.

(*c*) There is no strong flow to keep the khal open. Two tides meet near Mohanganj Hât. More water is now passing through the Rahamatpur Khal.

(*d*) No remedy has been suggested except excavations, which would not result in any permanent improvement.

(*e*) None.

(*f*) Does not arise.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state the authority which he took in making the statement indicated in his reply that no remedy has been suggested except excavation, which would not result in any permanent improvement?

Khan Bahadur Maulvi EKRAMUL HUQ: On a point of order, Sir. When a number is called, is a member entitled to ask supplementary questions? Number 29 was called, but a member rose to ask a supplementary question to 28.

Mr. PRESIDENT: We have passed 28; this is 29. Go on, Mr. Guha.

Mr. P. N. GUHA: Is the Hon'ble Member aware that the question of excavation has resulted in silting up khals in several parts of the district of Bakarganj, such as the Mohanganj Khal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (Inaudible.)

Khan Bahadur Maulvi AZIZUL HAQUE: Is the decision of Government final not to take any steps to excavate the Mohanganj Khal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Yes, as at present advised.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether a permanent improvement or a temporary improvement is likely, if there is an excavation of the Mohanganj Khal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Temporary improvement.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state if it is a fact if some temporary improvement is likely to result, Government are not prepared to take any action on it?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It will cost more than it is worth, and Government have decided not to take any action.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the cost be more than the Grand Trunk Canal?

(No answer.)

Mr. P. N. GUHA: If the excavation is a very costly affair, should not Government try some other means to divert the water from the Mohanganj Khal to any other khal, not simply by overflow?

If excavation is a very costly affair; is it the intention of Government to try other processes to divert the waters that flow into Rahamatpur Khal through any other way by gauge or some such processes?

3-30 p.m.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The matter is being considered.

Mr. P. N. GUHA: Is the Hon'ble Member aware that the silting up of this particular khal has created inconvenience to as many as 60 villages in the district of Bakarganj?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It is understood that only local inconvenience is caused.

Post of the Principal, Bengal Engineering College, Sibpur.

30. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether the post of the Principal, Bengal Engineering College, Sibpur, has fallen vacant?

(*b*) If so, how does he propose to fill up the vacancy?

(*c*) Will the Hon'ble Minister be pleased to state whether applications for the post will be invited by advertising in the papers?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) The post will fall vacant in November next.

(*b*) It has been decided to fill up the vacancy by the appointment of another Indian Educational Service officer already serving in the department.

(*c*) Does not arise.

Proposed power to local bodies for taxing and controlling motor buses.

31. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Is the Hon'ble Minister in charge of the Department of Local Self-Government aware of the difficulty encountered by local bodies for want of adequate provision in the existing law for taxing and controlling motor buses which ply in the mufassal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking necessary steps to invest these bodies with adequate powers to tax and control such vehicles?

Mr. J. C. DRUMMOND: (*a*) Local bodies not unreasonably complain that they have no legal powers to tax motor vehicles. As for control, indiscriminate use of roads and bridges by motor vehicles can be prevented by means of by-laws. A copy of the model by-laws on the subject framed for municipalities is laid on the table.

(*b*) The member is referred to the answer given to unstarred question No. 30 put by him on the 23rd August, 1927. It is understood that the Committee appointed by the Government of India is likely to recommend an increase in the duty on petrol, the proceeds of which will be available for financing road development. The question of taxing motor vehicles will be further considered when the Committee has reported and when the Government of India have announced the action they have decided to take on the Committee's report.

Model by-laws for municipalities referred to in the reply to clause (a) of unstarred question No. 31.

10-A. No motor vehicle shall run on any road unless the tyres of the wheels are pneumatic.

Fine Rs. 50.

10-B. No person shall drive over any road or bridge a vehicle whose weight when unladen exceeds the weight prescribed by the Municipal Commissioners as the maximum weight of a vehicle that may be driven over such road or bridge, or at a speed greater than the maximum speed prescribed by the Municipal Commissioners for such road or bridge.

Fine Rs. 50.

41A. No person shall drive a motor vehicle over any road or bridge which has been closed to motor vehicles by order of the Municipal Commissioners with the sanction of the Commissioner of the Division.

Fine Rs. 50.

Rai HARENDRANATH CHAUDHURI: When was the Committee appointed by the Government of India?

Mr. J. C. DRUMMOND: I think it was last cold weather; I cannot remember exactly.

Rai HARENDRANATH CHAUDHURI: Has the Committee reported?

Mr. J. C. DRUMMOND: I do not know; it was announced in the papers that they would report in July.

Rai HARENDRANATH CHAUDHURI: Will the Government be pleased to enquire whether they have reported or not?

Mr. J. C. DRUMMOND: I understand the report is expected very soon. We need not take any action.

Rai HARENDRANATH CHAUDHURI: May I inquire what action the Government has taken since the abandonment of the last Motor Vehicles Bill?

Mr. J. C. DRUMMOND: I think in answer to a question Government have given information about all the action that was taken.

Mr. PRESIDENT: Mr. Drummond, are you in a position to answer the question in a direct form? If not, will you please say so?

Mr. J. C. DRUMMOND: Government appointed a Special Committee to prepare proposals for provincial taxation on motor vehicles. In the meantime, the Government of India appointed this Committee of theirs and asked us not to take any further action for the present; so the report of the Special Committee has not yet been considered by this Government. We are waiting to see what action is taken by the Government of India.

Rai HARENDRANATH CHAUDHURI: When did the Government of Bengal appoint the Special Committee and who were the members of it?

Mr. J. C. DRUMMOND: That Special Committee was appointed after the Motor Vehicles Act was dropped, about two years ago.

Rai HARENDRANATH CHAUDHURI: How long did the Committee work?

Mr. J. C. DRUMMOND: They sat for some months.

Alleged reservation of seats for Muhammadan boys in the schools in the Rajshahi Division.

32. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is a fact that the Inspector of Schools, Rajshahi Division,

has issued a circular to the head-masters of all aided high schools in the division to keep 75 per cent. of seats in the schools reserved for Muhammadan boys?

(*b*) Has the Government approved of this circular?

(*c*) Are the Government contemplating compensating the schools which will suffer financially for loss of income as a result of this circular?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) No.

(*b*) and (*c*) The questions do not arise.

Drainage of the abads by the sides of Tolly's Nala.

33. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether he is aware—

(*i*) that the abads by the sides of Tolly's Nala, such as Tihuria abad, Nayabar, etc., in the district of the 24-Parganas, suffer every year in cultivation for want of outlets of rain water accumulated in those abads during the rainy season;

(*ii*) that in this rainy season abnormal accumulation of rain water in those abads not finding any outlet is increasing every day;

(*iii*) that the seedlings of paddy crops in those abads are being rotted;

(*iv*) that the stagnancy of the accumulated rain water tells upon the health of the poor villagers who suffer from malaria, kala-azar and such other diseases every year; and

(*v*) that several representations to the department concerned by the poor villagers to ameliorate this state of things have produced no effect?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take in this direction?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) (*i*) In years of heavy rainfall in the early part of the rainy season, the abads mentioned suffer from congested drainage.

(*ii*) Yes. Permission for cuts in the Schedule D Embankment No. 93 was asked for by the interested parties and was granted.

(*iii*) Yes, partly.

(*iv*) This department has no information on this point.

(*v*) Whenever interested parties ask for permission to cut the Schedule D Embankment to relieve congestion of drainage, it is always granted in consultation with the Collector.

(*b*) As cuts and box sluices are liable to allow Tolly's Nala water to enter the abads thus creating further congestion, interested parties have recently been asked to file application for making pucca sluices under section 18 of the Embankment Act instead.

Rate of mortality in Calcutta, Ward No. 19.

34. Rai Bahadur SATYENDRA NATH ROY CHOUDHURI: (*a*) Has the attention of the Hon'ble Minister of the Department of Local Self-Government been drawn to the insanitary condition of, and the rate of mortality within, the area between the Lower Circular Road and the Tangra Road known as Ward No. 19 in Calcutta?

(*b*) Is it a fact that Government have sanctioned the proposed Dharamtala Street extension known as Scheme No. II of the Calcutta Improvement Trust in 1917?

(*c*) Is it a fact that the proposed scheme will pass through a number of insanitary bustees of the area referred to in clause (*a*)?

(*d*) Is the Hon'ble Minister aware that the Calcutta Corporation cannot improve the insanitary condition of the area unless the alignment of the Improvement Trust Scheme sanctioned by Government is executed?

(*e*) What steps, if any, is the Hon'ble Minister proposing to take in this matter?

Mr. J. C. DRUMMOND: (*a*) Yes.

(*b*) Yes.

(*c*) and (*d*) Government have no information.

(*e*) Enquiries have been made from the Improvement Trust. The Chairman reports that the extension of Dharamtala Street from Lower Circular Road to the Eastern Bengal Railway line stands fifth in the Board's programme of urgent works. As three of the items ahead of it in the programme cannot be undertaken at present owing to circumstances over which the Board has no control, the preparation of a scheme for this alignment will be begun in the near future. If in the meantime, however, it becomes possible to take up any of the three earlier items in the programme, this will be done and the extension of Dharamtala Street will have to wait its turn.

Casual leave allowed in the Civil Secretariat and other offices.

35. Maulvi SYED NAUSHER ALI: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that casual leave granted to the employees in the Civil Secretariat is ordinarily limited to 15 days in a calendar year?

(*b*) Is the Hon'ble Member aware that casual leave for employees in the offices of heads of departments and attached offices in a calendar year is ordinarily limited to 10 days only?

(*c*) Is it a fact that Sundays, when prefixed or affixed to, or otherwise combined with, casual leave, are not treated as part of such leave in the case of employees in the Secretariat?

(*d*) Is the Hon'ble Member aware that Sundays under similar circumstances are reckoned as part of the casual leave in the case of the employees in the offices of heads of departments and attached offices?

(*e*) If the answers to (*a*), (*b*), (*c*) and (*d*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for the differential treatment?

(*f*) Are the Government considering the desirability of equalising the extent of casual leave in a year to all Government employees either in the Secretariat or in the offices of heads of departments and attached offices?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) Yes, but not more than seven days, including any gazetted holidays, which may fall within the period, will ordinarily be granted at one time.

(*b*) Yes.

(*c*) No, unless there are specific orders to the contrary by the officer granting the leave.

(*d*) Yes.

(*e*) The maximum amount of casual leave admissible in the Secretariat is greater than in other offices, because assistants are required when necessary to attend office on gazetted holidays.

(*f*) No.

Bamangachi Shooting Enquiry.

36. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Member in charge of the Police Department be pleased to state whether the report or any portion thereof of what is known as the Bamangachi Shooting Enquiry will be published? If so, how soon?

The Hon'ble Mr. W. D. R. PRENTICE: The matter is still under the consideration of Government.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state what action has Government taken to remunerate the families of those persons who were shot dead by irresponsible shooting at Bamangachi?

The Hon'ble Mr. W. D. R. PRENTICE: I submit the question is inferential; it makes the assumption that the people were innocent.

Babu KHAGENDRA NATH GANGULY: Have Government taken any action to remunerate the families of those who were shot down?

The Hon'ble Mr. W. D. R. PRENTICE: None.

Babu KHAGENDRA NATH GANGULY: Do the Government not consider it necessary that they should be remunerated?

The Hon'ble Mr. W. D. R. PRENTICE: Not necessarily.

Mr. K. C. RAY CHAUDHURI: Is the Hon'ble Member aware that some persons who were non-strikers were shot down?

The Hon'ble Mr. W. D. R. PRENTICE: No. Government is not aware that this is a fact.

Mr. K. C. RAY CHAUDHURI: Is the Hon'ble Member aware that the Earl of Winterton, the Under Secretary of State, promised, in reply to a question in the House of Commons, that the report referred to in the question would be placed in the hands of the Members of Parliament for discussion?

The Hon'ble Mr. W. D. R. PRENTICE: If the member listened to a reply to a starred question, he would hear that we had been advised that pending a decision on the criminal cases in connection with this occurrence it was inadvisable to publish any papers in connection with this matter.

Mr. K. C. RAY CHAUDHURI: Has the Hon'ble Member sent any report to the Secretary of State?

The Hon'ble Mr. W. D. R. PRENTICE: The report has not gone to the Secretary of State.*

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* *Vide* the Hon'ble Mr. W. D. R. Prentice's subsequent statement on page 230.

LEGISLATIVE BUSINESS

Government Bills.

The Bengal Village Self-Government (Amendment) Bill, 1928.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I beg to present the report of the Select Committee on the Bengal Village Self-Government (Amendment) Bill, 1928, and in doing so I do not wish to say more than a few words.

The Statement of Objects and Reasons sets forth the purpose of the Bill, which is, briefly stated, to enable union boards to incur expenditure in the treatment of sick animals and to authorise them to join with other union boards in establishing and maintaining joint institutions such as primary schools and dispensaries.

The Select Committee has gone a little further without changing the provision of the Bill by inserting a provision which enables union boards to contribute to the upkeep of institutions not under their own control. Many union boards already do so, I understand, without statutory authority, and it is desirable to legalise such expenditure. The Select Committee has rectified a mistake in the original drafting by inserting the words "Commissioner, the District Magistrate and" in the proposed section 59A. This change includes no new principle, but merely brings the Bill into line with the Act as a whole. Obviously the Commissioner and the District Magistrate should have the same power, that is, the right to inspect in regard to joint institutions, as they have in respect of institutions controlled by single union boards.

It may be necessary, should a joint committee of two or more union boards acting jointly seriously abuse their powers, to suspend the execution of an order or resolution or even to supersede the bodies at a fault altogether for a period and only the Commissioner has power to do so under sections 56 and 59 of the Act. The Bill remains a permissive measures and as such is non-controversial.

I move that it be taken into consideration.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1928, as amended by the Select Committee, be taken into consideration, was put and agreed to.

Clause 2.

Babu BEJOY KRISHNA BOSE: I beg to move that in clause 2, at the end of the proposed section 32 (*1*), the words "under the supervision of the District Board" shall be added.

The Hon'ble Minister has said that it is not a controversial Bill, and I hope he will accept my amendment. In section 32, power is given to one or more union boards to establish such things as primary schools, dispensaries and infirmaries for the treatment and care of animals. In the union board areas where primary schools and dispensaries will be established, there will be no expert staff to guide and manage these things. Power is given to the union boards to repair, maintain and manage any such institutions. On account of the word "manage," I move that they be managed under the supervision of the District Board; for every member of a District Board knows very well that at the headquarters there are Education Committees with expert advisers and Government Inspectors and Sub-Inspectors of schools are also members of the Education Committees. If the Education Committee at the headquarters of a district manage primary, middle vernacular, and other kinds of education of the whole district, it cannot be expected that two or more union boards, when joined together, will be able to manage the affairs relating to education without expert advice. They will have to go to the District Board headquarters and take the advice of the Education Committee.

Similarly, there is a Sanitation Committee at the headquarters, and it is well known that there are Health Officers and Supervisors there. In order to manage dispensaries in the union boards, the union boards will have to go and take the advice of the Health Officers and Supervisors who are delegated with the power of looking after the health of the district. So is also the case with the infirmaries for the treatment and care of animals. There are Veterinary Officers attached to the District Board, and, therefore, these things can be better managed by union boards under the supervision of the District Board. If you go through sections 26 to 36 of Chapter IV of the present Act, you will find the powers and duties of the union boards are described there and some of them are to be performed under the orders of the District Board.

3-45 p.m.

Look at section 27. It says, the union board may or "under the orders of the District Board" shall do certain things. Clause 3 says an appeal shall lie against every notice issued under clause (*b*) of sub-section (*1*) to the Chairman of the District Board. Section 28 (*4*) says that an appeal shall lie against every notice issued under sub-section (*2*) to the Chairman of the local board. Also under section 30 it is laid down that a union board may provide the union or any part thereof with a supply of water, proper and sufficient, for public and private purposes; and for such purposes may, or "under the orders of the District Board," shall do this and that. Therefore, the union boards under the orders of the District Board shall act in certain cases. In

regard to these very essential things, viz., dispensaries, infirmaries, etc., I hope Government will accept my amendment that the union boards will act under the supervision of District Boards so that they may be managed efficiently with the advice of the expert staff from the head-quarters.

Khan Bahadur Maulvi AZIZUL HAQUE: I have carefully heard the speech of Babu Bejoy Krishna Bose, but I have not been able to follow the underlying principle for which he wants to introduce the words "under the supervision of District Boards." I have something to do with the District Board, and I think, under the general powers vested on the District Board by the Village Self-Government Act, the District Boards have always got general powers of supervision over all union boards; and I do not see any reason as to why there should be any addition to this clause. My friend is under a misapprehension as to the real scope of the Education Committee or the Health Officer of the District Board. The Health Officer has practically got nothing to do with dispensaries or with the supervision of dispensaries. His function is, not of a curative but of a preventive nature. Dispensaries are more or less on curative lines. His duty is to prevent mortality, except in case of kala-azar treatment. Dispensaries are in technical and professional supervision and management under the control of the Civil Surgeon, and the accounts and other administration are worked after by the District Board. So far as the Education Committee is concerned, my friend is under a misapprehension. The Education Committee of a District Board has practically nothing else to do except to decide questions of principle and division of school grants. So far as the question of supervision is concerned, it is under the control of the District Inspecting Staff. Therefore, Sir, I submit that so far as Babu Bejoy Krishna Bose's amendment is concerned, it is already in the Act itself. The Act provides for due supervision and, therefore, there is no reason why a certain clause which is redundant—I do not say it is not needed but that it is already in the Act—should be added.

Mr. J. C. DRUMMOND: Government have no particular objection to this amendment. It is in accordance with the principle and the spirit of the Bill. It is intended that District Boards should have general supervision over what one may call the nation-building activities of the union boards; but, as has been pointed out by Khan Bahadur Azizul Haque, there is no need to make any special provision of this kind. It is already in the Bill. In clause 4 of the Bill it is laid down that the Commissioner, the District Magistrate and the District Board shall have over the proceedings of joint meetings and union boards and over committees constituted under section 32A all the powers of control given to them by this Act over union boards. Therefore, Sir, I think Babu Bejoy Krishna Bose might withdraw his amendment.

The following motion was then put and agreed to:—

"That in clause 2, at the end of the proposed section 32 (*1*), the words 'under the supervision of the District Board' shall be added."

Babu BEJOY KRISHNA BOSE: I move that in clause 2, at the end of the proposed section 32 (*3*), the following shall be added, namely:—

"Provided that in case of a difference regarding the proportion of the cost, reference shall be made to the District Board, whose decision shall be final."

Sir, my object in moving this amendment is this: In clause (*3*) of the new section, it is said that when two or more union boards acting jointly establish or assume charge of or contribute towards the maintenance of an institution under sub-section (*1*), or undertake any work under sub-section (*2*), they may, from time to time, at a joint meeting, fix the proportion of the cost thereof which shall be borne by each union board. Now supposing there is a difference of opinion with regard to union boards; one says we shall contribute Rs. 10, and the other says you shall contribute Rs. 100; who will decide that? When I gave notice of this amendment, I was aware of section 48 of the Act which relates to disputes; it says, if a dispute arises between two or more union boards, which are subordinate to the same local board, the matter shall be referred to the local board, and the decision of the local board thereon shall be final and binding: if a dispute arises between two or more union boards which are within the same district, but which are subordinate to different local boards the matter shall be referred to the District Board, and the decision of such District Board shall be final. Therefore, the present section 48 relates to difference of opinion in regard to union boards and to their final settlement. If the two union boards are under one local board, then the dispute will be decided by the local board; if they are under different local boards but under the same District Board, then the matter will be referred to the District Board. The acceptance of the amendment just now by the Council which I had moved with reference to section 32 (*1*), namely, that they should be under the supervision of the District Boards, has made the present amendment absolutely necessary. If this amendment is accepted, the difficulty of one case being referred to the local board and the other to the District Board would be obviated, that is, the matter should be referred to the District Board in case of a difference

of opinion. I submit again that because my amendment to sub-clause (*I*) of section 32 has been carried, it becomes absolutely necessary to accept this proviso.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: There will be practical difficulty in accepting the motion. The nearer the controlling authority is, the better for the people concerned. Local Boards are established in the area nearer to the union boards, than to the District Board. So, it will be easy for the local boards to dispose of things when there is a difference of opinion between two or more union boards. On the other hand, if you ask these people to go to the District Board, it means more cost, and the District Board being at the headquarters of the district, it is more unapproachable. I think under section 48, as it stands, if there is a dispute between two or more union boards in regard to the proportion of expenditure or of contribution, then in that case the District Board ought to have power to decide the matter finally. But in the other cases, the power of the local board should not be taken away. If I accept the amendment that has been moved by my friend, it would mean that the people, who at present can get their disputes settled near their door, will have to go to a distance; and I do not think it would be convenient to them. I, therefore, oppose the amendment. Moreover, there will be two conflicting sections: In the case of certain disputes, the people will go to the local board and in the case of others they will have to go to the District Board. People are accustomed to going to a certain place, and if you try to stop their going to their usual place and send them on to district headquarters, I do not think it would be right.

The motion of Babu Bejoy Krishna Bose was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ali, Mr. Altaf.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Bose, Babu Bajay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Himatsingka, Babu Prabhu Dayal.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijuh Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Raikat, Mr. Prosanna Deb.

Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarkar, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sinha, Raja Bahadur Bhupendra Narayan.
Solaiman, Maulvi Muhammad.

NOES.

Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Birir, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Farequi, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hossain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Shah, Mr. Gholam Hossain.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 48 and the Noes 42, the following motion was carried:—

"That in clause 2, at the end of the proposed section 32 (3), the following shall be added, namely:—

'Provided that in case of a difference regarding the proportion of the cost, reference shall be made to the District Board, whose decision shall be final.'"

Mr. PRESIDENT: It appears that Maulvi Nurul Huq Chaudhuri, who was not present in the Chamber, has passed through the "No" lobby. His vote has, therefore, been expunged.

Mr. PRESIDENT: The question is that clause 2, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Supplementary Statement

The Hon'ble Mr. W. D. R. PRENTICE: May I rise on a point of personal explanation? Outside in the lobby I found out that I misunderstood the supplementary question put by Rai Harendranath

Chaudhuri regarding the Bamangachi affair. I now find that the question was whether the Bamangachi report, as submitted by Mr. Dutt, has been sent to the Secretary of State. In reply, I now state that we have sent copies of the report, as submitted by Mr. Dutt, both to the Government of India and to the Secretary of State.

Mr. PRESIDENT: Mr. Prentice, your statement will be recorded as usual.

Clause 3.

Mr. PRESIDENT: The question is that Clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

Babu BEJOY KRISHNA BOSE: Sir, I beg to move that in clause 4, proposed section 59A, lines 1 and 2, the words "Commissioner, the District Magistrate and the" shall be omitted.

If my amendment is accepted, the clause will run thus: "The District Board shall have over the proceedings of joint meetings of union boards and over committees constituted under section 32A, all the powers of control given to them by this Act....." The proposed amendment gives the power of control to the Commissioner, the District Magistrate and the District Board. It will be necessary for me to read clause 3 of the Bill which we have just now accepted, because 59A controls 32A. Both are new. Section 32A says: "Any union board, or two or more union boards at a joint meeting, may constitute committees for the management of the undertakings sanctioned in section 32....." that is, the relevant portion of the section, viz., union boards will appoint committees for the management of dispensaries, primary schools, etc. It is surprising to me how the framers of the Bill want to give power to the District Magistrate, and the Commissioner above him, to control the committees for the management of primary schools and dispensaries in an union board area. I thought that there would be more decentralization, but even with regard to the formation of committees to manage these things, the final word would be with the District Magistrate and the Commissioner. Though I do not know much of the villages, but I have some touch with people living in villages, and I know that one principal objection to the creation of union boards is the great power and control now exercised by the Circle Officers. As a matter of fact, it is the Circle Officer's nominees that are elected to the union boards, and in some unfortunate cases even the Circle Officer's nominees are given the contract to perform the works of the union boards, and if that is not

done, the members of the union boards are in the bad books of the Circle Officer. Surely, the Circle Officer will have a great say over the constitution of the committees of management for schools and dispensaries; and if over and above the Circle Officer's powers, control, as is now sought, is given to the Commissioner and the District Magistrate, even in the smallest action of the union boards, viz., the formation of committees, then I think we shall have no representative institutions worth the name. A reference to sections 58 and 59 of the Act will, perhaps be necessary, because 59A is sought to be put in after 59. What are the powers given? It may be said that under section 59 some power is given to the District Magistrate and, therefore, in confirmity with section 59, 59A is suggested. I will just read to you the relevant portions of these sections. Section 58 says: "The District Magistrate or the District Board may, by an order in writing, suspend the execution of any order or resolution of a union board within the jurisdiction of such Magistrate or District Board, or the doing of any act which is about to be done or is being done by such union board, if in the opinion of the District Magistrate or the District Board the execution of the resolution or order, or the doing of the Act, is likely to cause injury or annoyance to the public....." The appointment of a committee of management for a dispensary or a school will not be injurious to the public, nor would cause annoyance to the public. Therefore, why should the District Magistrate have a hand in the formation of the committee, I for myself fail to understand. When the District Magistrate makes an order, that order is communicated to the Commissioner. I fail to see how section 59A will come after 59, because power is given to control the management of committees which is very different from the scheme of the Act which means to protect the people from injurious actions or orders which would cause annoyance to the public. That is one think and the formation of the committee is another thing.

Srijut NAGENDRA NATH SEN: Sir, I beg to support the motion of Babu Bejoy Krishna Bose. Even in small matters concerning village self-government, the officious hand of the District Magistrate and the Commissioner should no longer be exercised. These are very small matters. We find that sometimes the District Magistrate, under the influence of some of his proteges aud President Panchayets, does certain acts which are injurious. It is, therefore, suggested that the influence of the District Magistrate and the Commissioner should be removed, and the controlling body should be the District Board, because that is only conducive to self-government. The power or influence of the Commissioner or the District Magistrate should no longer be exercised over these petty matters. I, therefore, submit that the less the District Magistrate and the Commissioner intervene in these matters the better.

4-15 p.m.

Mr. J. G. DRUMMOND: The mover of this amendment has really spoken as if the Select Committee were introducing some new principle in the form of official control into the Village Self-Government Act, which is absolutely not the case at all. The change made by the Select Committee simply brings this Bill into line with the rest of the Act. The District Board has certain power of control under the Act. Section 55 provides that the District Board may take action if the union board makes default in carrying out any of the duties entrusted to it. The District Board has to be consulted by the Commissioner under section 56 before he removes the President or supersedes the union board. Similarly, the District Board under section 58, mentioned by Bejoy Babu, can temporarily suspend the execution of an order or resolution of the union board, but there are certain powers which might have to be exercised in respect of these joint meetings and committees and these powers can only be exercised by the Commissioner under the Act. Bejoy Babu himself has mentioned section 59 by which the Commissioner has to approve or disapprove of an order passed by the District Magistrate or the District Board suspending the execution of an order or resolution of a union board. Then there is section 56 by which only the Commissioner has the power to remove the President or supersede the Board.

This part of the Bill is simply to bring the Bill into line with the Act as a whole and to provide against possible deadlocks and abuses of power.

I would appeal to all sections of the House not to mutilate the Bill any further by agreeing to this amendment.

The motion of Babu Bejoy Krishna Bose was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Ali, Mr. Altaf.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kadar.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Himatsingka, Babu Prabhu Dayal.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.

Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sashindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sinha, Raja Bahadur Bhupendra Narayan.

NOES.

Ahamad, Maulvi Kasiruddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Cappinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Farequi, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nabab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mahan.
Sattar, Khan Sahib Abdus
Shah, Mr. Gholam Hossain.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 49 and the Noes 42, the following motion was carried:—

"That in clause 4, proposed section 59A, lines 1 and 2, the words 'Commissioner, the District Magistrate and the' shall be omitted."

Mr. PRESIDENT: The question is that clause 4, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 1 and the preamble stand part of the Bill.

The motion was put and agreed to.

The following motion was not moved:—

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur, to move that the Bengal Village Self-Government (Amendment) Bill, 1928, as settled in Council, be passed.

The Hon'ble Minister was heard to say that he would not move.

(At 4-30 p.m. the Council was adjourned, and it reassembled at 4-40 p.m.)

Babu BEJOY KRISHNA BOSE: On a point of order, Sir, is it a fact that the Nawab Sahib did not move item 7 of the agenda. I had heard in the lobby that he did not move for the passing of the Bill. I protest that he had no right to act in the way he did. Besides, the members on the Government benches speak in so low a voice that it is impossible to hear them, and on this side of the House, no Congress member, and three-fourths of the members on the other side, could not hear what the Hon'ble Minister said.

Having regard to the fact that he did not withdraw the Bill with the leave of this House, I submit that he had no right to act in the way he did. The Hon'ble Minister should ask for leave to move this motion, that the Bill as settled be passed, and if he does not do so, some one of us be allowed to move it.

Mr. PRESIDENT: Mr. Bose, nothing can compel a member to move a motion on the Agenda which stands against his name. If he does move it and then wants to withdraw it, the leave of the House is necessary, not otherwise. In this case, the Nawab Sahib did not move his motion at all, and I cannot compel him to do so. As regards hearing him, you should have asked him, through me, at the right moment, to speak up if he was really inaudible.

Babu JITENDRALAL BANNERJEE: Sir, may I draw your attention to one anomaly that arises in this case? As each amendment was successively put to the vote, the President declared after the division or the voting that each clause do stand part of the Bill. Certain amendments have, therefore, been passed as parts of the Bill. Is it now open for anybody to say that the Bill has not been moved?

Mr. PRESIDENT: That happened at the "consideration" stage. The next stage was for the Hon'ble Minister to move for the adoption of the Bill, but he didn't do so.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, we on this side of the House did not see the Nawab Sahib even rise in his seat and say that he did not want to move for the adoption of the Bill. Sir, there is another point which I should like to mention. We in the district of Nadia will be very badly affected if the Bill is not passed into law even as it stands?

Mr. PRESIDENT: That does not help us in the least.

Babu JITENDRALAL BANNERJEE: Sir, I may direct your attention to section 67 of the Rules and Standing Orders. If the Hon'ble Minister did not want to move the Bill, the only course available for him was the one contained in that section. He might have withdrawn the Bill by leave of the House. But after initiating a discussion on the Bill, is it open to him not to proceed with it further?

Mr. PRESIDENT: When an Hon'ble Member wants to withdraw a motion, it always means that he has moved it, and having moved it he could not withdraw it without leave of the House. But, in this case the Hon'ble Minister has not moved his motion at all.

Babu JITENDRALAL BANNERJEE: Sir, will you kindly read the section? It says that the member in charge of a Bill may at any stage move that the Bill be withdrawn.

Mr. PRESIDENT: It must be so to enable a Member to withdraw his Bill at any stage. But so long as he has not actually moved a particular motion, he can always say that he is not going to move it, and in such a case the question of withdrawal will not arise.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. In such cases, two questions arise. One is the question of the withdrawal of the Bill, and the other is the question of not moving for the third reading of the Bill. The question of withdrawal must be put before the House. The Member in charge of the Bill must take the leave of the House for the withdrawal of the Bill, and on the voting of that motion will depend its fate. But if the Hon'ble Member in charge of the Bill chooses not to move the third reading of the Bill, that is a different matter. We understand that he did not say even that he did not move the third reading of the Bill.

Mr. PRESIDENT: The position is this, that when a motion has actually been moved, it can be withdrawn under section 67 and that at any stage.

Rai HARENDRANATH CHAUDHURI: Subject to the leave of the House.

Mr. PRESIDENT: Of course; but in the present case, the Nawab Sahib had only moved that the Bill be taken into consideration, but he did not move for its final adoption, so it is a different matter indeed.

Rai HARENDRANATH CHAUDHURI: Do we understand that the Bill is still before the House at the second reading stage. Then, what is the position?

Mr. PRESIDENT: The position is this, that he did not move for the adoption of the Bill, and he may do so next session.

Babu JITENDRALAL BANNERJEE: Sir, having moved that the Bill be taken into consideration, if the member does not move that the Bill be passed as amended by the Council, and since he does not move for the withdrawal of his motion, is it not open to you to call upon him to move the Bill? Is it not an act of contumacy on the part of the Hon'ble Minister?

Mr. PRESIDENT: I have every sympathy with you; but, it is not in the power of the President to compel a member—far less an Hon'ble Member of the Government (Laughter)—to move a motion which he does not want to move.

Mr. SUBHAS CHANDRA BOSE: On a point of order, Sir. The Hon'ble Minister moved the motion for considering the Bill: There was discussion on it, and the Bill is still before the House. Until there is a motion for withdrawal, I submit that the Bill is still before the House.

Mr. PRESIDENT: As the Nawab Sahib did not move for the adoption of the Bill as amended by the Council, it will naturally fail, unless the final motion for its adoption is made by the mover.

Mr. D. N. ROY: Did the Hon'ble Minister say that he would not move the motion?

Mr. PRESIDENT: I was informed by the Registrar, at the right moment, that he actually did say so.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. The point that I raised previously has not yet been disposed of. My question was at what stage the Bill is at present? If the Nawab Sahib moved in the second reading of the Bill that the Bill be taken into consideration and if the House considered the Bill, then the Nawab Sahib could move two alternative motions. He could either move that the Bill, as amended, by the Council be passed, or he could ask the leave of the Council for its withdrawal. But he did neither: he neither moved the third reading of the Bill, viz., that the Bill, as amended, be passed, nor that the Bill be withdrawn. Therefore, even now the Bill must be at the stage of the second reading. The only other motion that can be put forward in regard to the Bill in future is the third reading of the Bill, or the Nawab Sahib may choose to sleep over the Bill and not move the Bill at all, but the Bill must be at the second reading stage, because no motion for the third reading was made.

Mr. PRESIDENT: In my opinion, a third course is open to him, and that is not to move the third reading of the Bill.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it now open to any member to move, with the permission of the House, that the Bill as amended by the House be passed, in view of the fact that the Nawab Sahib has not withdrawn the Bill?

Mr. PRESIDENT: No.

Rai HARENDRANATH CHAUDHURI: Under the rules, there is no other course open to a member in charge if the Bill has been gone through. May I know under what rule you say that a third course is open to him?

Mr. PRESIDENT: I have already given my ruling on that point. Any member may not move a motion that stands against his name, if he so chooses.

Rai HARENDRANATH CHAUDHURI: Let us take an example: A Bill after the first reading is still before the Council until the second reading is moved. After the second reading is passed, the Bill is still before the House until the third reading is moved.

Mr. PRESIDENT: I may agree with you if you say that the final motion has not been disposed of, but I could not have compelled the member in charge to move it.

Babu JITENDRALAL BANNERJEE: Sir, in view of your ruling, will you permit me to move the motion?

Mr. PRESIDENT: No.

Maulvi ABUL KASEM: There is provision in the rules for the withdrawal of a motion after it is moved. In that case, the mover has to obtain the leave of the House. But is there anything in the rules which could compel the member in charge of a Bill to move a motion that stands in his name? He has moved only the second reading of the Bill; he has not moved the third reading.

Mr. PRESIDENT: You are speaking in support of the Hon'ble Minister. It does not require any ruling, regard being had to what I have already said.

Babu MANMATHA NATH ROY: Would you, Sir, give us your distinct ruling. It might have been open to the Nawab Sahib not to move his motion that the Bill be passed after you called him, but, Sir, he did not say that he did not move the Bill. In that case, I submit that the Bill is still before the House.

Mr. PRESIDENT: I have already given my ruling on that point. The final motion for the adoption of the Bill has not been disposed of.

Mr. SUBHAS CHANDRA BOSE: Is it your ruling, Sir, that no other member except the member in charge can move this motion?

Mr. PRESIDENT: Yes, if you will please see section 52A of the Rules and Standing Orders, you will find that under that section no one other than the Hon'ble Member in charge of the Bill can move for the adoption of his Bill.

Babu AKHIL CHANDRA DATTA: On a point of information, Sir. Now that all the points of order that were raised have been disposed of in favour of the Hon'ble Minister, may I now on behalf of the elected members of the Council request the Hon'ble Minister to explain his reasons for taking this extraordinary step of not moving the motion for the adoption of the Bill? We feel, Sir, that he owes it as an elected member of this Council, and also as a Minister, to the members of this Council to give his reasons for this extraordinary course of action.

Mr. PRESIDENT: I have every respect for the feeling of the House, and if the Hon'ble Minister is willing to make a statement he is at liberty to do so, but I may point out that he is not bound to give his reasons. (Cries of "Speech.")

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: So far as the motion that the Bill, as settled in Council, be passed is concerned, I have not moved it, because after the amendments that have been made in the Bill I think it will be practically unworkable. .....

(Mr. J. G. Drummond having attempted to help the Minister.)

Rai HARENDRANATH CHAUDHURI: Let the Hon'ble Minister proceed, Mr. Drummond.

Mr. PRESIDENT: It is not obligatory on you to make a statement, Nawab Sahib.

(The Hon'ble Minister did not proceed with his speech.)

Mr. D. N. ROY: May I have your permission, Sir, to move that the Bill, as settled in Council, be passed?

Mr. PRESIDENT: No, you cannot do that; section 52A stands in the way.

The Bengal Medical (Amendment) Bill, 1928.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to present the Report of the Select Committee on the Bengal Medical (Amendment) Bill, 1928. Copies of this report have been circulated, and it will be seen therefrom that the Bill as drafted has had certain amendments made in it—not very many, but what they are I should point out. In clause 1, provision has been made to synchronise the end of the old Council with the beginning of the new. In clause 4 specific mention has been made of the Dacca University in connection with the medical college or school affiliated thereto. The provision that stood in the original Bill, giving the Railway Board the power of electing one member to the Council, has been withdrawn, and the number of members to be elected by registered practitioners, who are graduates or licentiates in medicine or surgery of the University of Calcutta, has been increased by one. There is a minor alteration in clause 4(*c*) where, in the original Bill, it was the Licentiate standard of examination, but in the Bill as it emerges from the Select Committee the word "Final" has been added. In the proviso to clause 3 the position of mufassal medical practitioners has been strengthened. In the original proviso it was laid down that one member from each of the classes elected under clause 5 (*h*) must be elected by the registered practitioners practising outside Calcutta. The qualification for taking part in the election was that a man was practising outside Calcutta. The Select Committee has also prescribed this qualification for being elected, that is, he must be practising outside Calcutta.

The other clauses remain the same as in the Bill originally presented.

I now move that the Bill, as amended by the Select Committee, be taken into consideration.

The motion that the Bengal Medical (Amendment) Bill, 1928, as amended by the Select Committee, be taken into consideration, was put and agreed to.

Clause 2.

Dr. KUMUD SANKAR RAY: Before I move my amendment clause by clause, I should like to explain my position with regard to the Bill. Some members are aware that last year I tried to amend the Bengal Medical Act of 1914, and I had given notice of my intention to introduce an amending Bill some time ago, but when the Bill was actually put on the Agenda by you, Sir, I was prevented at the last moment by an unwarranted plea on the executive side of the Medical Department that previous sanction under section 80 of the Government of India Act was necessary, and as that sanction was not obtained, I was not allowed to move the Bill, although all the time I had in my possession a letter from the Legislative Department to the effect that no such sanction was required. All the same, Sir, I was prevented from moving my amending Bill. Subsequently, a month after, a letter was sent to me by the Government of India that no such sanction was required. After I was thus obstructed from moving my Bill to amend the Medical Act, the Government in a hurry came forward with a Bill of their own, taking advantage of the absence of the Congress members of this Council, owing to the mandate of the Madras Congress, during the last Christmas. In January, 1928, Government practically mutilated the Bill of which I had given notice, and altered its character to such an extent that it was almost unrecognizable. The Bill was naturally moved without opposition and referred to a Select Committee. Government, however, kindly asked me to sit on the Select Committee, knowing full well that under the Congress mandate we the Swaraj Party could not serve in any such Committee, and I had therefore declined the offer with thanks.

I must, however, say that the Select Committee were more reasonable than the Government, as they accepted to a considerable extent the principle of my Bill, and also the more important clauses thereof, and rejected some of the new clauses introduced by Government. We failed to understand how the Railway Board was introduced and was tried to be given a franchise in the proposed Council of Medical Registration. The argument of Government was that the Railway Board employed a large number of medical practitioners in the province. If that is the contention, then there are many other bodies—Calcutta Corporation, District Boards and other Corporations—which also employ a large number of medical practitioners, and when the Railway Board were asked to supply information as to the number of medical men under them, they felt shy and took shelter under different kinds of rules under the Government of India, saying that the local legislature had no right to get the facts wanted by me, and so I did not get the information regarding this, and this answer is still wanting. I thereupon asked my brother, who is a member of the Council of State, to elicit that information from the Government of India at Delhi, and I am still waiting for

that answer. I have no doubt that their reply will be one that will justify the protest of the medical profession and the action of the Select Committee in having totally excluded the Railway Board as one of the electorates of the Medical Council.

With these remarks, I shall now come to the actual amendment. The amendment which I have proposed is practically the same amendment which non-official members of this Council in 1914 tried their level best to get passed. Of those members, who voted against the Government Bill of 1914 and supported the amendment of a practically similar nature, I find Mr. Fazl-ul Huq who was here just a few minutes ago, the Maharaja of Mymensingh and Sir Deva Prosad Sarbadhikari; they all moved similar amendments and tried to get them passed. Even Sir Surendra Nath Banerjea, in his speech, urged the necessity for a larger non-official element to be represented on the Council of Medical Registration. Sir Hugh Stephenson, the member in charge of the Bill, said: "The Select Committee have set up three electorates from the medical practitioners, and they have also given Government nominations for a majority of the Council. The reason why they have given the Government a majority of nominated members of the Council has been explained by me before—that the Act is an experiment. Government must guide this experiment for the first year or so, at all events, and the only alternative to having a Government-nominated majority on the Council is that Government should retain to themselves so close a control over the action of the Council that the Council will be a nonentity. The Bill could be easily amended in the light of experience gained after the Bill was in operation, as was done in the case of Bombay."

Now, Sir, fourteen years have passed since the original Bill was passed into law, and I think there is sufficient reason as to why this modest demand which was made by Sir Surendra Nath Banerjea, Sir Deva Prosad Sarbadhikari and Mr. Faz-ul Huq and others should be agreed to in the year 1928, when the Simon Commission is supposed to grant us provincial autonomy and other big reforms.

Now I will come to the actual amendment which has been put by me. A careful examination of the amendment will show that in the amendment some clauses are the same as that suggested by the Select Committee. For instance, clauses (*b*), (*c*), (*d*) and (*e*) are practically the same. In clause (*e*) I have only added the word "membership" after the word "licentiate." This is a necessary change. This clause has been copied by Government from my original Bill which contained slight defects, due to my want of knowledge of certain facts which, however, became known to me later. There are certain schools which may be affiliated to the Membership standard, instead of to the Lower Licentiate standard; there is also the proposal that the Campbell

Medical School may be affiliated to the Membership standard. That is why the word "Membership" should be added after the word "Licentiate," and I think Government should accept this particular amendment at least.

Other changes of an important nature are contemplated under sections, (*f*) (*g*) and (*h*). By these sections representatives of medical practitioners under the different groups are returned to the Managing Council. Now before I go on to deal with the number of representatives under each of these clauses, I should like to explain one particular power, that is penal, which the Council of Medical Registration enjoys over medical practitioners: for instance, their names can be struck off the medical register, they may be debarred from granting certificates and may be deprived of other privileges, for instance, hospital appointment, etc. The number of registered medical practitioners has considerably increased since 1914, and I have asked for leave to increase one more representative under each of the clauses. If you carefully examine the changes I have proposed, you will find that I have provided for 3 representatives from the teachers to form three additional members, because it was given out in the official medical organ, the *Indian Medical Gazette*, that there should be a larger teaching element on the Council in order to keep up the medical standard.

5-15 p.m.

And that is why I have provided that these three additional members should be elected by the general practitioners from among those who are connected with the institutions recognised in the first place by the Council of Medical Registration. So, the actual change is an increase in the number of representatives of general practitioners by three only. In the Act of 1914, that is the existing Act, the number of elected representatives of general practitioners was six. After the lapse of 14 years, Government do not think it necessary to increase that proportion from 6, although the increase in the total number of the Council has been 26. Fourteen years have elapsed and Government do not think it necessary to increase the franchise of general medical practitioners by even a single member. The original Act contains 6 representatives out of 15, and although the total has been increased to 26, the number of representatives of the general practitioners is still kept the same. I would ask the Government to accept three more members which I have proposed, and I hope the Surgeon-General will be prevailed upon to accept my suggestion, especially in view of the fact that I have provided that the three additional members will be teachers, so that the question of medical education may not suffer.

The next controversial point is clause (*a*) as proposed by Government, i.e., that "the President should be nominated by Government." I have proposed that the President should be elected by the Council.

I should have thought that it would be an insult to the intelligence of the medical profession to suggest that the medical men in 1928 were not capable of selecting their own Chairman to preside over them. This is simply preposterous. If the members of this Council, simply by the fact that they pay Rs. 2 as their tax, can elect their own President, I do not see why the members of the highly cultured medical profession should not be allowed to elect their own President. The plea put forward by the Select Committee seems to be more absurd. The plea put forward is this: The Medical Council should have at its disposal the services of the Surgeon-General, who is the head of the Medical Department. Well, he could come as a nominated member. Then the plea runs thus: That if the Surgeon-General is to be a member of the Council, by virtue of his position he must be the President of the Council; otherwise, he cannot come there. May I ask: Is the position of the Senior Member of the Executive Council any less than that of the Surgeon-General? If this assumption is to be accepted, then the Senior Member of the Executive Council should also be the President of this Council. The same argument applies to the Council of State and the Legislative Assembly. I think the suggestion is absurd. Moreover, for the last 7 years, the Surgeon-General has been recruited from outside the province. He is new to the province and, coming from outside, it will take him two or three years still to know the province, its needs and difficulties, and by the time he acquires this knowledge it will be time for him to retire. It is only on a temporary occasion that the post has been filled up by a man of the province. The argument that the President of the Council should be a nominated one has nothing to support it. It has been argued that if you allow the President to be elected, what guarantee is there that he would be a medical man? To this I would reply by asking, what guarantee is there that the Government nominated members would be medical men?

The only other clause that I have changed is that I have omitted clause (*i*). I was not sure whether the Tropical School should not come under clause (*e*). If it is not, then a member of the Tropical School might be nominated by Government as is contemplated by clause (*b*). So, practically, the amendments demand very little. The amendment is very moderate and most modest.

I will deal with another question. It may be argued that if you increase the number of seats to be elected by and from among the general practitioners, Government may be in a minority in the Council. In the first place, there should be no question of minority or majority, official or non-official, in a body like this. The amendments proposed by me will still give Government a majority of one in the Council, because there are only three non-official schools in the province at present, whereas in the next three or four years Government will have nine schools. Therefore, Government need not be afraid to lose their

majority. With these words I beg to submit the following amendments for the acceptance of the House:—

That in clause 2, for clauses (*a*) to (*i*) of proposed section 4, substitute the following clauses, namely:—

"(*a*) a President to be elected by the Council;

(*b*) three members to be nominated by the Local Government of which one is to be from the staff of the School of Tropical Medicine;

(*c*) one member to be elected from among the members of the Faculty of Medicine by the Senate of the Calcutta University;

(*d*) one member to be elected by and from among the staff of each medical school or college affiliated to the Calcutta University or the Dacca University or to any other University hereafter established within Bengal;

(*e*) one member to be elected by and from among the staff of each institution in Bengal other than those mentioned in clause (*d*) which is or may hereafter be recognized by the Bengal Council of Medical Registration for admission of its students to the final Licentiate or Membership standard of examination of the State Medical Faculty of Bengal;

(*f*) four members to be elected by registered practitioners who are graduates or Licentiates in Medicine or Surgery of the University of Calcutta of which one must be a teacher in a medical institution recognized by the Bengal Council of Medical Registration;

(*g*) two members to be elected by registered practitioners who are qualified to be registered under the Medical Act of which one must be a teacher in a medical institution recognized by the Bengal Council of Medical Registration; and

(*h*) three members to be elected by registered practitioners other than those referred to in clauses (*f*) and (*g*) of which one must be a teacher in a medical institution recognized by the Bengal Council of Medical Registration."

Dr. BIDHAN CHANDRA ROY: Sir, I would like to hear from the Surgeon-General some of his arguments on this question.

(The Surgeon-General did not rise to speak.)

Since the Surgeon-General has kept silent, I must rise in order to get an opportunity of speaking on this amendment. There are many strange things that are happening in this Council and we find, as we have just now found, a Member of Government introducing a Bill and after wasting our time, dropping it at once like a hot plate because he was defeated on one point. In this particular instance, we find a non-medical man introducing a Medical Bill. Now let us see who were the

gentlemen who were on the Select Committee which recommended that the Bill be passed. There is Mr. Moberly: he is not a medical man; next, Sir Provash Chunder Mitter, an expert in Revenue matters, but not a medical man; next, Mr. Drummond, certainly not a medical man; then Khan Bahadur Azizul Haque, Maulvi Abul Kasem, Mr. A. F. Rahman and Raja Bahadur Bhupendra Narayan Sinha—none of them are medical men. I have only omitted the name of the Surgeon-General; he is the solitary star shining alone in the whole galaxy. So it is no wonder that this proposal should come from a Committee of this character.

I may, for the information of this House, dilate on certain points omitted by Dr. Kumud Sankar Ray, with regard to the history of the introduction of the Bengal Medical Act into this province. After the Act was put on the Statute Book, Government found it necessary by a resolution to start what they call the State Medical Faculty. This resolution is dated the 11th August, 1914, and the statement is a very precious document. This contain several statutes, one of which I find the most important one, Statute No. 7, has just been modified at the suggestion and under the orders of my friend, Sir Provash Chunder Mitter, when he was the Minister in charge. This document contains practically the gist of the views of the Government with regard to the origin of the promulgation of the Bengal Medical Act and the origin of the State Medical Faculty. Section 3 of that resolution runs thus: "The Bengal Medical Act, which was passed last April, has conferred upon the Bengal Council of Medical Registration the duty of (1) general supervision over the interests of the medical profession, and (2) the progress of medical education, and it rests with that body to decide whether the training and equipment of a school or college are up to the standard. It is undesirable that function of this Council, which is largely elective, should be trenched up by any other body; it is the first step towards self-government in the profession"—it is a very significant expression—"and the responsibility of the State Medical Faculty will, therefore, be confined to arranging for the examination of students of colleges and schools which have been approved of by the Council of Medical Registration." That is the origin of the State Medical Faculty. The members of this Council will be surprised to hear that in the course of 14 years, self-government in the profession has led the Government to alter Statute 7 by which the State Medical Faculty has usurped certain functions, namely, that of the supervision, directly or indirectly, of the standard of teaching given in the different schools which send up students to the State Medical Faculty for examination; that is to say, it is trenching not only upon the rights and privileges of the Bengal Council of Medical Registration, but upon the promises and declarations made by the Government itself on the 11th August, 1914.

Now, I should like to draw the attention of the members of this House as to how far they had advanced from the first step. In fact, you will find that we are still at the first step; we look up with awe at the different orders of the Government which are like small stars in the horizon, and say "twinkle, twinkle little stars." When shall we get our self-government in the profession? The Bill proposes to give 6 seats to the medical profession in a body of 21, when they have by the Act of 1914 6 seats in the Council of 15. I will read out the sentence which details the duties cast upon the Bengal Council of Medical Registration. They are the "general supervision over the interests of the medical profession and the progress of medical education," and I doubt not that the Government in 1914 thought that the 6 members would supervise the interests of the medical profession, leaving the other 9 to look after the development and progress of medical education. To-day we are told that 6 out of a body of 21 is the second step towards the development of self-government in the profession." That is my first point.

5-30 p.m.

My second point is this: It is perfectly true that in this Bill it has been proposed to give to the institutions, that would teach and send out students for examinations to be conducted by the State Medical Faculty, a certain representation on the Bengal Medical Council. But if you take the total number of members who would represent the official view, and the members who would not represent the official view or rather who would represent the non-official view—it has been calculated by a member of the Indian Medical Service, the Editor of the *Indian Medical Gazette*—we find 10 would be officials and probably 11 would be non-officials. But it is quietly overlooked that in the near future, as mentioned by Dr. Kumud Sankar Ray, there are going to be established 4 new Government medical schools. Therefore, the total strength of the Council would likely be 25 or 26, and not 21. The registered medical graduates would still have 6 representatives out of this number—self-government in the profession indeed—and the Government members, i.e., officials, would be not 10 as against 11, but 14 as against 11. That is, indeed, the second step towards self-government in the profession.

My third proposition is the question of the election of the Chairman, viz., how the Chairman is to be appointed, whether he should be elected or nominated by the Government. It has been dinned into our ears that whenever there is a body which is charged with the duty of spending some Government money, Government ought always to have a control over that body. This Bengal Council of Medical Registration, as far as I am aware, gets a small contribution from the public revenues, but it is representative of a large number of interests

of different characters, but not charged with the duty of spending a large sum of money, in any shape or form. I do not know why under such circumstances it is proposed that an official should be the President of the Bengal Medical Council, and nominated by the Local Government. If he is to be a person to be nominated by the Local Government, it has been suggested that he should be the Surgeon-General. As Dr. Kumud Sankar Ray has mentioned, the Editor of the *Indian Medical Gazette* says that the Surgeon-General is the head of the medical profession so far as the service is concerned. If he is to have a seat in the Council at all, he must be at the head of it. I may mention, for the information of this House, that the Surgeon-General of the Indian Medical Service is a member of the Medical Faculty of the Calcutta University; and as far as I know, it has never been the case that he has been the President of the Medical Faculty of Calcutta. As was expressed very clearly by Sir Hugh Stephenson, in an expert body there is no room for an official. Therefore, this body representing as it does various interests, should have a person whom they can elect. There is another reason why it should be so. The Surgeon-General is the executive head of a large number of Governmnet medical schools and colleges. The Bill, as amended, proposes to confer on the Council the power to inspect any such medical college or school and report on it before granting it recognition. If the executive head of the schools and colleges is also the head of a body of persons who are going to inspect and to pass judgment on such institutions, I think there will be something wrong in the proposition.

Mr. SUBHAS CHANDRA BOSE: Second step towards self-government.

Dr. BIDHAN CHANDRA ROY: As my friend reminds me, this would be the second, not the second but the fourth, step towards self-government in the profession. There is one other point to which I should like to draw the attention of members. In the amendments proposed to sections (*f*), (*g*) and (*h*), it has been suggested that of the 4 members to be elected by registered practitioners who are either graduates in Medicine or Surgery, one must be a teacher. It is perfectly true that the several Calcutta medical colleges and schools have been given each a separate representation. But it is felt that there ought to be persons from among the teachers who would represent not the staff of any institution, but the interests of the general medical practitioners.

I now come to the next objection to having the Surgeon-General or a nominated member of the Government as the President of the Medical Council of Registration; the Bengal Council of Medical Registration shall have to deal with a large number of cases where the interest of the medical profession as a whole would

be considered, and it is necessary that if judgment is to be passed by the Council, it should be done by a body which should be presided over by a person in whom the medical graduates have confidence. The Surgeon-General may be an expert administrator, but it is not always the case that he is such a member of the profession for whom the medical graduates as a whole would have regard in the way they should. This is the position which has got to be considered before the members of the Council agree to the constitution that the President should be a person nominated by Government.

My last point is that if there is to be any amendment of the Bill, the amendment should be on the lines that no institution, whether Government or private, should be exempt from any inspection or formal recognition as is the case at the present day. It is unfortunate that the present Medical Act contains the schedule in which it is mentioned that any person who has been trained in a Government medical college or school will be recognized ipso facto, whereas if it is a private school it has to be formally recognized before it is accepted by the Bengal Council of Medical Registration and by the State Medical Faculty. Therefore, an invidious distinction is sought to be made between these two classes of institutions, this, I think, is a reason why there should be a non-official majority, or at any rate, a very strong element of non-officials which will look after not only the interests of the medical profession, but also see that the education is properly conducted.

Babu BEJOY KRISHNA BOSE: After the remarks made by Dr. Bidhan Chandra Roy about the qualifications of the members of the Select Committee of the Medical Bill, I was reluctant as a layman to rise and say anything on the subject. But, Sir, I have got two claims for doing so. I am myself the son of a medical man held in esteem in his time. In the olden days, I used to see brilliant medical men assemble together, and I used to hear with wonder and admiration the learned discussions round their table. My second claim is that I belong to a profession which pleads ignorance to nothing. If anyone went to Dr. Roy and asked him his opinion about legal matters, I am sure that he would politely show him the door. But it is our privilege to cross-examine eminent physicians and surgeons, and instances are known when, in the Sessions and other Courts, these eminent men of medicine are pulverised by the cross-examination of the learned gentlemen of the Bar. These are the two grounds upon which I claim to stand up and say something with regard to the motion before the House. I find, on a comparison of the Act of 1914, with the Bill as it emerged from the Select Committee and the amendments which are tabled in the name of Dr. Kumud Sankar Ray, that the difference is indeed very little, excepting the controversy which would be raised around the election of the President. If you compare the present Act,

the Bill and the amendments, you will find that clauses (*b*) and (*c*) are parts of the present Bill with very little verbal alterations, that clauses (*d*) and (*e*) are new and are unaffected by the amendments. In the case of clauses (*f*), (*g*) and (*h*), we want one more to be added to the number in each of these clauses, with a further reservation that one of these classes of gentlemen should be a teacher of the Medical School. These are the amendments, and I am sure Government and the Hon'ble Mr. Prentice will have no serious objection to accepting these amendments. I am sure, however, that he will oppose the election of the President. As has been said by Dr. Bidhan Chandra Roy, in 1914, in this very House, it was said that the Act was the "first step" towards self-government in the medical profession. Fourteen years have elapsed, and we find that we are about to go down from the first step. What we especially note is that the present provisions are more retrogate and more reactionary than the provisions of 1914. Sir, it is always said that the British Government and the officials here want to give us self-government. I never believe in these things. It is said in the preamble of the Government of India Act that it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of the administration, and for the gradual development of self-governing institutions. (A voice: a pious wish.) My friend says, it is a mere pious wish. He is wrong. There is no wish, mere eyewash to delude us. There was no desire to carry these into effect. I remember what Lord Salisbury said in 1883 in the British Parliament—it will be found in the Hansard (9th April, 1883)—when Lord Northbrook pleaded for the fulfilment of British solemn pledges; and this is what Lord Salisbury said: "These are all political hypocrysies." So I say the grant of self-government and the increasing association of Indians are all political hypocrysies, when we find in a small matter like this—as to who should control the medical education—Government say that they must be in a majority in the Medical Council and the Chairman must be their nominee. It was said that Government wanted to put us in the way of self-government in the medical profession. Sir, I am reminded that we had a beautiful example of the way in which they wanted to put us in the way of self-government in the action of one of the members of Government to-day, who, finding that the District Boards were going to get some power, and not the District Magistrates and the Commissioners, in a voice which could not be heard beyond the Government benches, said that he would not move for the adoption of the Bill (the Bengal Village Self-Government Amendment Bill). That is the way self-government is going to be given to us.

5-45 p.m.

But, Sir, the real objection to my mind to the granting of larger powers to the Council of Medical Registration and increasing the

number of elected members is to be found in a very inspired article which appeared lately in the *Englishman*. I say, Sir, "inspired article," because the reading of it at once leaves in one's mind the impression that it has been written by a member of the Indian Medical Service. It is said there that if representation is given to the medical profession, doctors with powerful lungs and rabid political views will come in.

I do not know whether the writer had Dr. Bidhan Chandra Roy in view when he wrote these lines, because Dr. Roy is the only man in the medical profession to my knowledge who has got powerful lungs, but he is certainly not a man of rabid political views. Undoubtedly, we Congress men, are all considered to hold "rabid political views" by the bureaucracy. Therefore, he might be referring to him, and perhaps the Government are afraid that if men like Dr. Bidhan Chandra Roy comes in, the cause of medical education will suffer. I challenge, Sir, anyone to say that any man in Bengal will take that view, excepting the rabid Indian Medical Service people. (Hear, hear.) Another objection made is that the level of medical education in Bengal is far behind that in England. I was surprised when I read that statement. Well, Sir, only the other day the General Medical Council of England threatened to ignore the M.B. degree of the Calcutta University, unless the standard of medical education and degrees was raised. Now, Sir, medical education has been in the hands of the Calcutta University for a long time past, and the Calcutta University has got a Faculty of Medicine, and in the Senate which appoints the Faculties 80 per cent. of the members are nominated members. I should like to know, Sir, what the nominated members have so far done for the improvement of medical education in Bengal. The Medical Council of England considered that the medical education imparted by the Calcutta University and controlled by the Faculty of Medicine are not quite up to the standard. You have a Government majority in the Senate and in the Medical Faculty, and why have you not raised the standard of medical education? Yet you want not to throw open the doors of the Council of Medical Registration to elected members of the medical profession.

Then the next point, Sir, is whether the President ought to be elected or not. I say, Sir, that the President ought to be elected, and I find that in the note to clause (2) of the Bill, the Select Committee says that if the Surgeon-General happens to be a member, by virtue of his position, he should preside over its deliberations. Sir, it is only in the case of the Medical Council it is said that a gentleman by virtue of his position should be the President of the Council. Well, Sir, in the Calcutta Corporation, the Hon'ble Mr. Marr, who is now a Member of the Executive Council of the Government of Bengal, was an ordinary member of the Works Committee of the Corporation of

which I happened to be the President. The Hon'ble Mr. Marr as Chairman of the Calcutta Improvement Trust, and Mr. Goode before him, did not feel it derogatory to sit in a Committee with myself as President. Even now Mr. J. A. L. Swan is a member of the Committee of which an ordinary Councillor is the President. This analogy might be used with greater force in the case of the Medical Council as the Surgeon-General may sometimes be junior in years and qualifications to many of the eminent members of the Medical Council. I do not think, Sir, that it can be seriously urged that the Surgeon-General by virtue of his position should be the President of the Medical Council. I have great pleasure in supporting the amendment which has been moved by Dr. Kumud Sankar Ray.

Babu JITENDRALAL BANNERJEE: Sir, I have great pleasure in supporting the amendment of Dr. Kumud Sankar Ray. In fact, the amendment is so very modest that I thought that the Hon'ble Mr. W. D. R. Prentice would jump at it and welcome it with rejoicing. There are only two points of difference between the amendment and the original proposition: The first is whether the President should be elected or nominated, and the second is what should be the amount of the representation granted to the medical profession on the proposed Council. These are, practically speaking, the only points of difference. The amendment says that the President should be elected, and it further says that the total body of registered medical practitioners should be represented on the Council by nine members instead of six. And it cannot be denied that both these proposals are extremely modest.

First, as regards the President: Will it be contended that a body of experts, consisting of the best brains of the medical profession, could not elect their own President? Such a contention would be ridiculous to urge. One of the reasons given by the members of the Select Committee—and which seems very curious—is that if the Surgeon-General is to be a member of the Council, it is fitting that he should be the President by virtue of his position. Sir, there is no magic in the name of Surgeon-General. If the Surgeon-General is a man of eminence in his profession, he is sure to get the suffrage of his fellow-members and to be elected President. But if he is Surgeon-General only by virture of years and seniority, as so many of these people are, then it is best that he should not be the President of this body.

Sir, besides, I must ask the Government to give up this cant of prestige everywhere. According to them, in the Council of Medical Registration, the Surgeon-General must be the President; in the new Education Boards which they are going to set up, it is the District Magistrate who must be the President. And why? Simply because

they are officials and for no other reason. It is against this cant of prestige that we specially fight. A man is considered qualified for being President, irrespective of his own position in the profession, simply because he happens to be a high official of Government!

Sir, so far as the other point is concerned, here in Bengal the number of registered medical practitioners is something like five to six thousand. Is it contended that, if you give them 9 representatives on the Council, the proportion will be unduly high? Surely, that is not too much. The Bill proposes that they should be represented by 6, whereas the amendment proposes that the number should be 9. But all the same, I find that even this modest amendment is not acceptable to the Government. This only shows that what they want is not to have a properly constituted Council of Medical Registration, but a body where the officials will always predominate.

Sir, the new Council that has been proposed will deal not simply with the question of medical education and registration—it will have to deal also with medical ethics and etiquette. It will depend upon their decision whether a man's name will be borne upon the Medical Register or not. Thus the vital interests of the medical profession are affected by this Bill, and it is but reasonable that they should get just and adequate representation on the Board.

Lt.-Col. W. V. COPPINGER: Sir, before I speak further I should like to clear a couple of misconceptions that seem to exist in the minds of some members of this House. First of all, the *Indian Medical Gazette* is not a Government publication. If anything, it represents a body of teachers of the Tropical School of Medicine and a large body of medical men in India. The next misconception I notice is the question whether the Tropical School of Medicine can come amongst institutions of Bengal under clause (*e*) of the amendment. The Tropical School of Medicine does not teach in any way for Diploma in Medicine. The Tropical School does not give any diploma entitling anybody to practise Medicine.

Dr. BIDHAN CHANDRA ROY: May I inquire why, if the Tropical School does not teach for Diploma in Medicine, must it have a representative? Under what category does it come?

Mr. PRESIDENT: It is up to you Lt.-Col. Coppinger not to answer any question at this stage.

Lt.-Col. W. V. COPPINGER: It represents a very high class of medical teaching, and its representation on the Council is very important.

Dr. BIDHAN CHANDRA ROY: *What I want to know is this:* So far as the composition of the Council is concerned, there are three classes whose interests are to be represented—first the Government interest, then the interest of the public institutions where students are taught, and, lastly, the interest of the medical practitioners. Under which class do the Professors of the Tropical School of Medicine come?

Lt.-Col. W. V. COPPINGER: The Professors of the Tropical School of Medicine represent the general practitioners—the best educated class of Indian and European practitioners in India.

As regards the amendments, I would point out that amendments (*a*) and (*b*) curtail very materially the nomination right of Government on the Council of Medical Registration. I would point out that Government has been responsible from the very beginning for the initiation of medical education in India. Up till recent years it has been responsible for practically the whole of medical education in India, and as such it is only fair that it should have a reasonable power of nomination. Compare the position here with the British Medical Council, on which really this Bill is based. Nomination in India by Government is less than that in England. In England there are 5 nominated members by Government out of a total of 42. Here we claim 4 out of a total of 21. In England the medical schools are all private. Here the majority of the schools are directly supported, or were started at the beginning by Government.

Dr. BIDHAN CHANDRA ROY: Is the President in England elected or nominated?

Lt.-Col. W. V. COPPINGER: As regards the other amendments, there is no change proposed so far as clauses (*c*) and (*d*) are concerned; (*e*) is also accepted by Government. As regards the other three amendments, the main effect of these is to increase the representation of the general medical practitioners of the province. I submit that in a Council of this kind we want representation not so much of the general run of medical practitioners as of the teaching bodies. Dr. Roy and several of the other speakers have alluded to the functions of this Council. So far as the functions of the Council are concerned, they are pre-eminently connected with medical education—fixing the course of study, holding examinations, etc. And under the new Bill, inspection of all medical schools will be one of their functions, in order to ensure a high standard of efficiency.

6 p.m.

Dr. KUMUD SANKAR RAY: What about section 5?

Lt.-Col. W. V. COPPINGER: I would like to point out that in the Bill as amended by the Select Committee there is no such thing as permanent recognition. All medical schools recognized under this Bill will have to submit to a routine of inspection provided for under this Bill; whether they are Government schools or non-Government schools, whether they are old or new, their diplomas will not be recognized unless they are passed by this inspection. For this purpose, it is essential that the qualification of the members should be educational. In the Bill which we are now discussing, there is a provision of 21 members, 11 to be elected by the teachers and 6 to be elected by the general body of medical practitioners. According to the amendment I take it that 10 out of 22 should be elected by the teachers. My figure, including those to be elected by the teachers, is 21, but according to the amendment, it is 22, including those elected by the general body of practitioners.

Dr. KUMUD SANKAR RAY: May I make the position clear? The total number of teachers in my amendment is 16, and the number of non-teachers is 6 and not 10 and 12.

Lt.-Col. W. V. COPPINGER: My point anyhow is that the representation that is really important is the representation of teachers. In England, in the General Council of Medical Registration, a much larger body, 31 out of 42, are elected by the teaching bodies and only 6 are elected by the general medical profession—a very overwhelming majority is in favour of election by the teachers. This General Council has worked with efficiency for very many years, both in controlling medical education and as a subsidiary factor in the interest of the profession I hold that in starting a new institution like this here, it will be better to follow the example of the old institution in England.

Mr. P. C. BASU: Are the teachers in England Government servants?

Lt.-Col. W. V. COPPINGER: Another question has come up. The other duty of the Council is in connection with medical ethics and penal cases. This entirely is a small duty of the Council which has little importance now, but may have more importance afterwards. In England they have this side much more developed and only 6 out of 42 representatives of medical practitioners are considered quite enough to adequately represent all in dealing with penal cases. I contend that the provision of 6 out of 21 is amply sufficient to ensure that the general medical profession will be thoroughly represented in the preparation and disposal of the small number of penal cases which come up before them.

As regards the question of the Chairman, I would point out that in the Bill we propose the Chairman to be nominated by Government, and it has been assumed that a certain gentleman will be nominated. There has been a good deal of discussion as to whether the Surgeon-General should be nominated, and I do not want to dwell on it too much, but I wish to point out whether this is or is not the case that he as head of the Medical Department is intimately associated with the medical work in the province. He is always a man who has spent 25 or 30 years of his life in dealing not only with medical ethics but all questions of medical administration and teaching.

Dr. KUMUD SANKAR RAY: Like the members of the Simon Commission?

Lt.-Col. W. V. COPPINGER: He has been dealing with medical administration for 25 years, and it is quite likely that he should gain a considerable experience of different parts of Bengal which may be of great value to the Council. I do not think it is necessary to say anything more.

Dr. BIDHAN CHANDRA ROY: May I ask him two questions?

Mr. PRESIDENT: You may, if Lt.-Col Coppinger yields to you and chooses to answer them.

Dr. BIDHAN CHANDRA ROY: If the Medical Council of Registration is on the basis of the English Medical Council, will the member tell us whether in England the Council elects its own President. Although the Bengal Medical Council is framed on the basis that there should be teachers, is there any guarantee that the Surgeon-General who may be an expert in medical administration should always be in touch with teaching?

Lt.-Col. W. V. COPPINGER: In England the President is elected by the Council, but in England there is no Government medical school; the whole of medical education is in the hands of private individuals.

Dr. BIDHAN CHANDRA ROY: The second question has not been answered. You are putting too much stress upon the fact that there should be teachers or members of the teaching staff, but is the Surgeon-General always in touch with medical teaching?

Lt.-Col W. V. COPPINGER: In a great majority of cases he had been, but it is impossible to say whether he has always been in touch. But the odds are clearly in favour of his having been in touch with the medical teaching in his earlier years.

Maulvi ABUL KASEM: I am sorry in this instance I cannot support my friends on my left. The question at issue is very simple. The first question is whether the Surgeon-General should be the President of the Medical Council or whether he should be a man elected by the Faculty of Registered Graduates, and the second question is whether the registered graduates should be in that Council in a preponderating number or the teachers themselves, that is the point. I submit that for some time to come the Surgeon-General ought to be the President of the Medical Council. My reason is this: So far as my experience of the local self-governing bodies goes, there are very few eminent physicians who would consent to spend time and labour in the service of the Medical Council. It is all very good to say that the right of election to and the control of the Medical Council should be in the hands of the medical profession, but when the actual time comes we find that they are apathetic and lethargic. That has been my experience in District Boards and Municipalities. (Question!) You may question it. Besides that, my friend Babu Jitendralal Bannerjee talked of the superstition about officials. I submit that although I have no superstition about officials being at the head of everything, I do not like the superstition that for everything only the non-officials should be elected. My friends on the other side are laughing at me, and they are the people who demand freedom of thought, freedom of speech and liberty of conscience, but they are the people who cannot tolerate a difference even amongst themselves. (Cries of "Hear, hear.") They cannot tolerate a difference amongst themselves. (A voice: "These remarks are manufactured.") I submit that this remark is not only impertinent, but unture. They are the very devils who.....

Mr. P. C. BASU: Is the hon'ble member entitled to use the word devil? Is it parliamentary?

Maulvi ABUL KASEM: I am certainly entitled to say that, when they said that my remarks were manufactured. Again, I will call the remarks as impertinent.

On the second question about the representation of graduates or of teachers, I think the educational institutions should be controlled by teachers of educational institutions and not by the mover of this amendment. It has been argued that the Calcutta University has been running the Medical College, but the Medical College has failed in efficiency and the graduates of the Calcutta Medical College are not recognized in certain parts of the United Kingdom. I submit that it is so, because in the Faculty of Medicine in the Calcutta University the preponderating element is the professional men and not the Teachers and Professors of the Medical College. With these words I submit that the amendment as it stands should be rejected by the House.

Mr. P. C. BASU: I wish Mr. Abul Kasem had not supported the Surgeon-General to the Government of Bengal. In these days is it any wonder that the Surgeon-General himself would canvas the members of this House to be President of the Medical Council? If the President is to be nominated by Government, is it any wonder that this self-same Surgeon-General would be so nominated?

Next to the question of the President of the Bengal Council of Medical Registration is the question whether the majority of the members on the Council should be drawn from the private practitioners or nominated from Government servants. As the amendment is at the present moment, Government servants in medical institutions even now can come in by election, such as Teachers in the Calcutta Medical College and others. So why should Government have another set of nominated medical practitioners, I do not understand. Is it because they do not consider all Government employees to be safe?

With these words I support the amendment of Dr. Kumud Sankar Ray.

6-15 p.m.

Babu AMARENDRA NATH GHOSE addressed the Council in Bengali, the English translation of which is as follows:—

"I stand to support the amendment of Dr. Kumud Sankar Ray, not because it has been moved by a member of the party to which I have the honour to belong, but because the amendment itself is very reasonable and modest. I specially mean to support the first clause: "The Committee will elect its own President." Why is Government so eager to nominate the President of the Committee? Are the gentlemen who are expected to be the members of the Committee babies or boys of five years? Is there any apprehension that they would be unfit to choose their leaders? If the Government deny it, then there may be another reason, and the reason is that the Government have no confidence in the members. It is not at all fair to disbelieve the doctors. Has the Hon'ble Member Mr. W. D. R. Prentice no confidence in the physicians? He can believe his own life and lives of his children at the time of their illness, but in sound health he cannot believe the doctors with the works of his administration. By putting such a clause Government have insulted the doctors as a class. I am told by some members that the Surgeon-General will be the nominated President. Who says this? If so, then what is the necessity of putting the clause in such a fashion by concealing the fact what Government really mean. It might clearly be stated in the Bill that the Surgeon-General would be the ex-officio President. Government say that we will get self-government gradually with the growth

of our fitness. The best men of the medical practitioners are hoped to be the members of the said Committee. Government do not think them fit for electing their President. Is this the sign of getting our self-government? A little before, when the Village Self-Government Act was discussed, an amendment was carried by us to the effect that the dispensaries and schools started by union boards will be free from District Magistrates' and Divisional Commissioners' influence. The Government could not bear this. They withdrew the Bill. Why? Are we unfit to manage some pathsalas and treat our villagers by a paid doctor? We know how to squeeze our people to collect funds, but we do not know how to appoint a doctor or a teacher to treat our men and teach our children with the money without the help of the District Magistrate or a Divisional Commissioner. I condemn Dr. Kumud Sankar Ray to bring this modest demand. If he would bring an amendment to the effect that the Surgeon-General or any high medical officer could not be members of the Committee, then the Government would come forward and compromise with him on the terms stated in his amendments. I am sure that we will be successful with this amendment, but there is an apprehension of danger in the matter. The Hon'ble Mr. W. D. R. Prentice may, in case of our success, withdraw the Bill. I request the Hon'ble Member not to follow the example of the Hon'ble Minister by withdrawal of the Bill and make the Government's mind, more palpable.

The Hon'ble Mr. W. D. R. PRENTICE: There are only two points I would like to touch on: The first question is about the election of the President of the Council. I was considering the question whether this amendment could be adopted, but we were under a difficulty which I do not know whether the drafter of the amendment had noticed. The question was this—Supposing you elect a President from among people who are Members of the Council: under the Act can you fill up the vacancy by nominating or electing another person in his place? We were advised that it was impossible, so that supposing we had accepted this amendment, and a non-official had been elected President, the result would have been that the member of non-official elected representatives on this Council would be reduced by one. This we are advised is the legal effect of the amendment as it stands. On the other hand, I would point out that there is nothing in the Bill which requires that an official must be nominated by Government. It is perfectly true that the Select Committee in dealing with the Bill expressed the opinion that the Surgeon-General should preside over the deliberations of the Council. But I think the members will remember and will admit that on occasions there has been a steady advance towards local self-government or responsible government in the way of Government nominating non-officials to certain

posts (A voice: "Rarely")—but there has been some—and that advance has always been justified by the fact that Government thought that the advance could safely be made. As the Surgeon-General has pointed out, it is only 14 years since this Council was introduced. The Bill, as it stands, does not prevent a non-official being appointed President of the Council at all, and in due course, as medical education comes under a Minister or the transferred subjects are extended, I am perfectly certain that there will be an advance and a non-official will be appointed President of the Council.

The other point I would like to touch on is the proposal made in (*f*), (*g*) and (*h*) about increasing the number of representatives to be elected by registered practitioners. Now, this has been comouflaged by making the extra man a teacher in a medical institution recognized by the Bengal Council of Medical Registration. Supposing the mover had kept the original figure and simply amended it by providing that one of the people to be elected by the medical practitioners should be a teacher, there would have been no objection at all to the amendment; but personally I do not see how the general practitioners, who are much too busy in their own places of work, can be expected to know which teacher is the proper person to be placed on the Council of Medical Registration. Provision has been specially made in the preceding part of section 4 for representation of the teaching staff and, just as in the United Kingdom, the representatives of the teaching staffs are to be elected by and from among the staff of each institution. That means that the people who are in touch with and know the abilities of the members of the teaching staff are to decide who is the proper person to elect as their representative on the Council.

The other point I should like to touch on is the proposal of giving the franchise to the Tropical School by providing that a representative of the Tropical School of Medicine shall be one of the nominated members. The Surgeon-General has made it clear that so long as Government is responsible for the medical teaching in the country, it is entirely wrong, in the present circumstances in Bengal where medical education is so scarce and the functions and responsibilities of Government so large, to reduce their number of nominated representatives from 3 to 2, by giving one of their seats to the Tropical School.

As a sop, however, I am willing to accept one of the minor amendments of Dr. Kumud Sankar Ray, viz., the insertion of the words "or membership" in clause (*e*). The others I am afraid I cannot accept.

Mr. PRESIDENT: For the convenience of the House, I would like to put each clause of the amendment separately.

The motion that in clause 2, for clause (*a*) of proposed section 4, substitute the following, namely—

"(*a*) a President to be elected by the Council"

was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Ramee Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Banmerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chattarjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Huq, Mr. A. K. Fazl-ul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sinha, Raja Bahadur Bhupendra Narayan.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Atzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Syed Nausher.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
James, Mr. F. E.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Azizur.

Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

Both the Ayes and Noes being 52:

Mr. PRESIDENT: Order, order. For the motion 52, and against the motion 52: Convention demands that in the case of a tie the President should so vote that the status quo might be maintained. I, therefore, give my casting vote with the Government and declare that the amendment, so far as it concerns this particular clause, is lost.

The motion that in clause 2, for clause (*b*) of proposed section 4, substitute the following, namely—

"(*b*) three members to be nominated by the Local Government of which one is to be from the staff of the School of Tropical Medicine"

was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Remes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Premetha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Cheudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Dotta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Chosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Pahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sinha, Raja Bahadur Bhupendra Narayan.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emadduddin.
Ali, Maulvi Syed Nausher.
Blair, Mr. J. R.
Casselts, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.

Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
James, Mr. F. E.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam.
Khan, Maulvi Tamizuddin.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. D. S.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

Mr. PRESIDENT: Mr. K. C. Ray Chaudhuri, were you present at the time the House divided. Did you come in after the order for locking the doors was passed?

Mr. K. C. RAY CHAUDHURI: I came in just when the doors were being locked.

Mr. PRESIDENT: I am afraid that I shall have to order that your vote be expunged.

The Ayes being 52 and the Noes 50, the motion was carried.

(At 6-45 p.m. the Council was adjourned, and it re-assembled at 7 p.m.)

Mr. PRESIDENT: I find that clauses (*c*) and (*d*) in the amendment are identical with clauses (*c*) and (*d*) in the Bill. I will not, therefore, put them.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, Government accept clause (*e*) of the amendment because there is only a difference of two words, viz., "or membership," between the clause in the amendment and the clause in the Bill.

Mr. PRESIDENT: The question is that in clause 2, for clause (*e*) of proposed section 4, substitute the following, namely:—

"(*e*) one member to be elected by and from among the staff of each institution in Bengal other than those mentioned in clause (*d*) which is or may hereafter be recognized by the Bengal Council of Medical Registration for admission of its students to the Final Licentiate or Membership standard of Examination of the State Medical Faculty of Bengal."

The motion was put and agreed to.

The motion that in clause 2, for clause (*f*) of proposed section 4, substitute the following, namely:—

"(*f*) four members to be elected by registered practitioners who are graduates or Licentiates in Medicine or Surgery of the University of Calcutta of which one must be a teacher in a medical institution recognized by the Bengal Council of Medical Registration"

was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syed Nausher.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remes Chandra.
Bakah, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banarjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maguire, Mr. L. T.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Nem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shameur.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Haliniranjan.
Sen, Srijut Hagendra Nath.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
Jamas, Mr. F. E.
Kasem, Maulvi Abul.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Maulvi Tamizuddin.
Marr, the Hon'ble Mr. A.
Martin, Mr. G. S.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mukerji, Mr. S. C.
Mumin, Khan Bahadur Muhammad Abdul.

Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 57 and the Noes 44, the motion was carried.

The following motions were then put and agreed to:—

That in clause 2, for clauses (*g*) to (*i*) of proposed section 4, substitute the following clauses, namely:—

"(*g*) two members to be elected by registered practitioners who are qualified to be registered under the Medical Act of which one must be a teacher in a medical institution recognized by the Bengal Council of Medical Registration;

(*h*) three members to be elected by registered practitioners other than those referrred to in clauses (*f*) and (*g*) of which one must be a teacher in a medical institution recognized by the Bengal Council of Medical Registration."

Mr. PRESIDENT: The question is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: There are no amendments to clauses 3, 4, 5, 6, 7, 8, 9, 10 and 11, but these are open for discussion now. [Pause.]

The question is that clauses 3 to 11 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that the preamble and clause 1 stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

Mr. PRESIDENT: I wish to announce that the counting of votes for the Simon Commission Committee will be taken up at 9-30 a.m. to-morrow. Members are invited to attend if they so desire.

Adjournment.

The Council was then adjourned till 10-30 a.m. on Saturday, the 4th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Saturday, the 4th August, 1928, at 10-30 a.m.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, Minister, and 92 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—

Dr. W. A. Jenkins.

Starred Questions

(to which oral answers were given).

Names of the persons holding licenses for Excise shops in Calcutta.

***41. Mr. SYED MD. ATIQULLAH:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries (Excise) be pleased to lay on the table a statement showing for the year 1928—

(*i*) the names, with fathers' names, and addresses of the gentlemen who have been granted licenses for Excise shops in Calcutta;

(*ii*) the names of the persons whose licenses have been cancelled; and

(*iii*) the names of those whose licenses have been renewed?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (EXCISE) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*i*), (*ii*) and (*iii*) Statements furnishing the information, as far as available, have been laid on the library table for the information of the member.

Burdwan District Board.

*42. **Mr. P. C. BASU:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether any complaint has ever been made by any person to the Government regarding the administration of the District Board of Burdwan or against the Chairman of the Board?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the nature of such complaint?

(*c*) What action, if any, has been taken by the Government in the matter?

(*d*) If no action has been taken, will the Hon'ble Minister be pleased to state the reasons therefor?

SECRETARY to the GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): (*a*) Yes. A letter was received from Mr. P. C. Basu, M.L.C., and a petition from the Secretary, Nabagram Mayna Palli Parishad

(*b*) The nature of the complaints cannot be stated exactly as both have been sent to the Commissioner, but Mr. Basu in his letter mentioned the bad condition of certain roads.

(*c*) Both complaints were sent to the Divisional Commissioner for disposal.

(*d*) Does not arise.

Unstarred Questions

(answers to which were laid on the table).

Clerks and muharrirs in the Registration Department.

37. **Babu SARAL KUMAR DUTT:** (*a*) Will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to state whether he is aware of the feeling that exists that the pay fixed for the lower division clerks and the muharrirs of the Registration Department is very low?

(*b*) If so, what steps do the Government propose to take in the matter?

MINISTER in charge of DEPARTMENT of AGRICULTURE and (REGISTRATION) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) Government are aware that a representation was submitted last year by clerks and muharrirs in the Registration Department for an increase of pay and understand that a similar representation has been filed this year.

(*b*) Last year's representation was duly considered by Government and was rejected. It was considered that no further increase of pay over that sanctioned in 1922 was necessary.

This year's representation is under the consideration of the Inspector-General of Registration, Bengal.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what is the lowest pay of the clerks and muharrirs of the Registration Department in the mufassal?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice.

Resignation of the representatives of the Temperance Federation from the Licensing Board.

38. Mr. S. C. MUKERJI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state whether it is a fact that the representatives of the Temperance Federation have tendered their resignations from the Licensing Board?

(*b*) What is the reason given for their action?

(*c*) Have Government accepted their resignations?

(*d*) Will the Hon'ble Minister be pleased to state whether the general policy of the Government is still "minimum consumption" and "maximum revenue?"

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) Yes.

(*b*) The decision of Government to allow representation on the Licensing Board of the liquor trade.

(*c*) No.

(*d*) Yes.

Mr. F. E. JAMES: Will the Hon'ble Minister be pleased to state why Government have not accepted the resignations of those gentlemen in view of the fact that these resignations were filed three months ago?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The matter is still under consideration of Government.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state whether one of the representatives of that body is the President of the licensing board?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state whether it does not then follow that the Board is at present without a President?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: No, he is still carrying on.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state if the Commissioner of Excise is a member of the Licensing Board?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes. He is.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state whether according to the Excise Manual all the decisions of the Licensing Board have to go before the Commissioner of Excise in appeal?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Not all.

Mr. F. E. JAMES: Will the Hon'ble Minister be pleased to state if he has considered the suggestion made in the last debate on excise administration in regard to the reorganisations of the excise licensing board?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I have already said that the matter is still under the consideration of Government.

Mr. F. E. JAMES: Will the Hon'ble Minister be pleased to state definitely whether that particular suggestion has received or is receiving consideration of Government?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Of course, it is receiving all consideration.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state if some of the appeals from the Licensing Board go to the Commissioner of Excise, is it not rather ultra vires that he should be a member of the Board?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: That is a matter of opinion.

Point of Order.

Srijut NAGENDRA NATH SEN: Will Mr. President be pleased to state whether in view of the fact that there are three more Government Bills, it is not possible that the Bengal Tenancy (Amendment) Bill should be taken up for consideration on the 7th?

Mr. PRESIDENT: As at present advised, it will be taken up on the 7th August.

Maulvi ABUL KASEM: On a point of order, Sir. You have stated that the Bengal Tenancy (Amendment) Bill will be taken up for consideration on the 7th. May I ask how that is possible as the member who gave notice of introducing the Bill has ceased to be a member of the House?

Mr. PRESIDENT: That does not matter at all, the present incumbent of the office will pilot the Bill.

Result of the election to the Committee to assist the Simon Commission.

Mr. PRESIDENT: I have to announce the result of the election to the Committee to assist the Simon Commission.

Mr. W. L. Travers, C.I.E., O.B.E.

Alhadj Sir Abdelkerim Ghuznavi, KT.

Mr. A. K. Fazl-ul Huq.

Maulvi Abul Kasem.

Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.

Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, Mymensingh.

Khan Bahadur K. G. M. Faroqui.

The following two members came next in order of ballot.

Mr. L. T. Maguire.

Rai Sahib Rebati Mohan Sarker.

Resolutions

(on matters of general public interest).

System of secret voting by ballot in all elections to Local and Union Boards.

Babu JITENDRALAL BANNERJEE: I beg to move that this Council recommends to the Government that, by virtue of the rule-making powers conferred upon the Local Government by section

138 (a) of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885), and by section 101 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), the Local Government should take immediate steps to make such alterations in the existing rules as will have the effect of introducing the system of secret voting by ballot in all elections to Local and Union Boards held respectively under the above Acts.

My proposition is extremely simple. I want to introduce the system of ballot-voting in all elections to our local self-governing institutions. No fresh legislation will be required if my proposition is carried. The Government has ample power, in the exercise of its rule-making functions, to alter the method of election in any way it chooses. The question, therefore, is not one of practical difficulty but of expediency of principle.

Now, Sir, so far as expediency of principle is concerned, I should like to put my proposition in a broad and general form: Once you adopt the principle of election, there is no escape from the ballot. You will have to adopt it sooner or later, and the sooner the better. Government has adopted the principle of election—of partial election—for all our local bodies. Roughly speaking, our Union Boards consist of nine members—two-thirds of whom are elected— while our Local Boards consist of from 9 to 15 members of whom two-thirds are elected. The question therefore is, having adopted the principle of election, how are these elections to be managed? By the old rough, brutal method of open voting at the meetings or by the safe, secret and eminently respectable method of voting by ballot.

Sir, I need not at this late date enter into the abstract question of the superiority of ballot-voting. Fortunately for us, the subject has passed beyond the stage of theorising, and all controversy upon the matter has been set at rest. In every civilised country in the world— and at every variety of election, primary or secondary, for bodies political, judicial or legislative, and even for clubs and corporations—the ballot is now the rule and not the exception; and the unanimous testimony of the civilised world is that the ballot has proved eminently successful. A Select Committee of Parliament presided over by Lord Hartington reported in March, 1870, that the ballot, if introduced, would promote tranquillity at elections, would free the voter from undue influence, and would secure greater freedom and purity in voting. It would be idle to deny that all these objects have been actually achieved by the ballot.

We are often told about the peculiar conditions of India; but I should like to know if there is anything in the peculiar conditions of India which would make the ballot less successful and desirable here than anywhere else. Now, Sir, if the ballot was required even in England and in America to free the voter from risk of intimidation,

the necessity of the ballot is still greater in India where intimidation is practised on a far wider and more intensive scale. I cannot speak for other provinces, but the local elections as carried on in Bengal at the present day are a farce. The noise, the shouting, the crowding and general inconvenience are something frightful. The local zamindar is present on the scene with his myrmidions, and so is the money-lender; the poor voter is hustled towards the pooling booth like sheep to the shambles; and if he does not vote according to order he has to pay for it soon. This tragic farce has got to be ended and it is up to the Government to end it now.

Sir, I may be told that one objection against the introduction of the ballot in India is the illiteracy of the voter. Sir, this is a point to which some people attach an undue and exaggerated importance. Considering the qualification for the franchise, the proportion of illiterate voters is not quite so great as many people would have us believe —it would in no case exceed 33 per cent. Besides, illiteracy in Bengal does not necessarily mean brutish stupidity and ignorance. The Bengali raiyat—which is but another name for the Bengali voter—does know his interest and does know how to secure it, if only he is left alone—and the ballot proposes to leave him alone. No doubt the voters' illiteracy may be sometimes abused—if the polling officer happens to be dishonest. But happily the risk of this is not very great. In any case no system of voting will introduce perfection in our elections. As practical men we are dealing here, not with perfection but with the balance of advantage and convenience. And I contend without any fear of contradiction that the balance is in favour of the ballot.

Mr. J. C. DRUMMOND: At this stage I should like to explain the action already taken by Government and the attitude which the Government propose to adopt towards this resolution. A similar resolution has been sent in more than once in the last two or three years, but no discussion has yet been raised, and Government are glad to have this opportunity to discuss the subject. Last November a circular was sent round to the Commissioners asking them for their opinions and the opinions of District Magistrates and other officers who have conducted elections and of Local Boards and Union Boards on this proposal. The replies received show a very sharp difference of opinion. Opinion both official and non-official is divided just about half and half. The advantages of the secret ballot have been so ably set forth by Mr. J. L. Bannerjee with his well-known eloquence that I have nothing more to say on that subject.

Now, Sir, I wish to say something about the disadvantages. The ballot system of course means more expenditure, more delay and more elaborate arrangements; it takes longer to hold the ballot and to work out the results. These difficulties are not insuperable. There remains,

however, the problem of the illiterate voter. The proportion of illiterate voters in Local Board and Union Board elections is very large. I am sure it is much more than the 33 per cent. mentioned by the mover. Sir, when you have illiterate voters voting by secret ballot you have to place implicit trust in the Polling Officers. I am now told that the proportion of illiterates among Legislative Council electors is about 52 per cent. Muhammadans and about 33 per cent. non-Muhammadans. The franchise for Local and Union Boards is lower than for the Council, so the proportion of illiterate voters must be higher. Government has no precise opinion about the class of officers who preside at Local Board elections. I believe they are usually gazetted officers of Government. For Union Board elections the Circle Officer presides and he may be assisted by non-officials such as members of the Local Board or the Presidents of neighbouring Union Boards. I do not say for a moment that this personnel is not to be trusted. That is perhaps not exactly the point. The point is that candidates themselves must place implicit trust in the integrity of the Polling Officers.

On receiving the replies to the reference made to the Commissioners, the late Hon'ble Minister consulted the Standing Committee, on whose opinion he placed great weight, and Government came to the conclusion that it would hardly be possible to introduce the secret ballot as long as we can have the present system. But it might be possible to introduce it at least for Local Board elections if there were some satisfactory way of recording the votes of illiterate voters some method of enabling them to record their own votes. One suggestion that has been made is that the names of the candidates on the ballot papers should be printed in distinctive colours. This was tried in the Council elections five years ago and serious objection was taken by some of the candidates. Then there is a proposal to have a separate ballot box for each candidate, painted in different colours. This is open to objection on the ground that some people cannot distinguish different colours very well, while some are altogether colour blind. Another suggestion is to have a distinctive symbol of some kind which could be easily distinguished on each candidate's ballot box. Sir, I shall be glad if some of the mufassal members help us with suggestions.

Srijut NAGENDRA NATH SEN: Sir, I confess I was unable to hear a single word of what Mr. Drummond said. I submit that it is strange that inconsistency seems to be the watchword of Government. In the municipal elections the voting is by ballot. In the elections of this Council the voting is by ballot but when the case of Local and Union Boards comes up the voting is not by ballot. It is not secret voting but it is open voting. The convenience of the secret voting had been described in detail by the mover of this resolution. With regard to the election of Municipal Chairman and Vice-Chairman it is open

voting. With regard to the election of Chairman and Vice-Chairman of the District Board and Chairman and Vice-Chairman of the Local Board it is also by voting by ballot. So it is utterly impossible why Government has been induced to declare by a rule that in Local Boards and Union Boards the votes will not be by ballot but by open votes. There can be absolutely no justification for open votings now-a-days. Voters of this country, although some of them are illiterate and many of them are literate, have sufficient intelligence to understand really who is the proper person for whom to vote at this election. I submit to the Hon'ble Member that all Local Board members are practically voters for Council election If it is possible to manage Council elections by voting by ballot, I would ask Mr. Drummond how did he think it impossible in the case of Union Board and Local Board whose voting is not to be by ballot. I suggest that when secret votings should be adopted and resorted to open votings should be disregarded.

Babu AMARENDRA NATH GHOSE spoke in Bengali, the English translation of which is as follows:—

"I stand to support the resolution moved by Sj. Jitendralal Bannerjee. The principle of introducing the system of vote by ballot is very clear. By this system, an opportunity is given to a man to exercise his free will at the time of voting. It will save the voters from molestation after voting against the will of an influential man. I am President of a Union Board and member of a Local Board—so from my personal experience I can safely say that the system proposed to be introduced is far better than that of the present system. When a Chairman of a Local Board or a President of a Union Board is elected the votes are recorded confidentially. Why? Because the members may choose their leader according to their free wish. So there is no reason to consider that the opportunity, which is given to the members will not be given to those who elect them. Are the people in general supposed to be stronger men than the members of the Boards? Certainly not? It may be argued that every man should be a man of principle—why he will sacrify his principle at any cost—he must vote according to his own choice. But, Sir, I ask everybody to consider what we do every day. In most of the cases we cannot openly express what we think true in our mind, we cannot do what ought to be done even when we think it really good. In most of the cases the reason is the obligation to each other in the society. We cannot throw those obligations at our sweet will. This is why two "I's" have been created in us. One "I" is worldly, one which we generally identify in the society—in everywhere, and another is secret "I" kept concealed in mind. We give publicity of the worldly "I" keeping harmony with all the social, moral, legal laws and the laws of our personal necessities demand, but secret "I" which lives within our breast cannot be always

exposed to all. We cannot openly follow the advices of this "I." If the proposed system of voting is introduced the preference will be given to our real "I" to elect a real man instead of one whom the villagers are forced to say good and real.

Government cannot have any reason to oppose this resolution. They have nomination in their hands to protect their interests as well as of their pet. The question of election is fully concerned with the people in general so I hope the Government will also support this resolution."

Khan Bahadur Maulvi EKRAMUL HUQ: My friend Mr. Amarendra Nath Ghose has informed the House that he was speaking more for the resolution before the House. I would also voice the sentiments of those persons who are interested and who know where the shoe pinches. I might say at the outset that I had an occasion also to press for the introduction of voting by ballot and naturally I am in sympathy with the efforts made by members who wish to introduce tranquility into our elections. But we have to look into various difficulties that stand in the way. There cannot be any two questions that if voting by ballot was introduced and if there was no reason to suppose that there will be jobbery anywhere, if people could believe that the vote they are casting will in fact be cast for the right man, then certainly there was no reason—absolutely no reason—to say anything against the proposal. Mr. Drummond has brought to the notice of the House this fact that the amount of illiteracy prevailing in this country is enormously great. So far as the voters who vote in the Council election are concerned, more than 52 per cent. of the Muhammadans and 33 per cent. of the Hindus are illiterate. In the case of voters to Local and Union Board Committees I am perfectly certain that the number of illiterate persons who come to vote is bound to be much larger. We have to look into these facts—how far the persons who are going to record votes of these voters are to be entrusted? Mr. Drummond has said something to the effect that there is apprehension in many quarters that some of those persons who preside for taking votes are not trusted in some cases.

11 a.m.

On the occasion of the election of Maulvi Abul Kasem to this Council—he is there and I hope he will bear me out—efforts were made by some officer who was presiding at the polling station to see that the votes were recorded in favour of quite a different person. In my case also, Sir, I was informed after the election was over that a certain officer did try to see that illiterate voters who were to vote for me, recorded their votes for some other person by himself putting a mark against that name. They gave me the names in which cases they were

perfectly certain that the votes were recorded for some one else. I knew that that would not affect my election and that is why I sat calm. These are the accusations that were laid at the door of the presiding officer at the polling station. In the case of the Union Committees, I am perfectly certain that there are many officers against whose integrity we have much to say. The only remedy seems to be that the amount of illiteracy that prevails in the land should be removed and we should immediately take to primary education. As long as that is not done, no room whatever should be left in the minds of any person, be he a candidate belonging to a particular community, that there is any chance of miscarriage of justice in the matter of voting so far as elections are concerned. I think that, instead of hurrying with this matter, we should wait for some time and make a united effort first of all to introduce primary education into the country; and it is after that that we could insist that there should be voting by ballot and ballot alone. There is another thing against the proposal of Mr. Bannerjee and that is this: why not persons like Mr. Ghose and Mr. Bannerjee go out to the country and let the electors know that it is their duty to be frank and not to be afraid of anybody. I think that will be the best way of serving the people by making them realise their position, by making them understand that there is nothing for them to fear. If our countrymen become fearless, I think more than half the battle of freedom would be won and everybody in this country will be able to know what their views are. So, I suggest that instead of hurrying with this matter, instead of asking this Council to adopt this resolution, we may wait for some time till the introduction of primary education into the country. So, after a year or two, when our electors will be so advanced that they will be able to find the names of the persons for whom to vote, they will then vote accordingly. There will be no apprehension left in the minds of candidates that there may be miscarriage of justice on account of the presiding officer. With these words, I oppose the resolution.

Babu PROMOTHA NATH BANERJEE addressed the Council in Bengali.

Mr. A. K. FAZL-UL HUQ: I extremely regret that in spite of my earnest sympathy with the objects which my friend, Mr. Jitendralal Bannerjee, has in view, I feel constrained to oppose this resolution. I freely admit that the system of ballot-voting has got many advantages, but this system is really suited to those who can mark their own ballot papers. We cannot shut our eyes to the fact that the majority of our electors are illiterate (A VOICE: Question!)—at least the majority of the electors that come from my community are so, and I am speaking of the requirements of my community. They have got to depend upon

other persons to mark their papers. The presiding officers at these elections are Circle Officers or officers of similar standing, and I freely say in this Council that I have no faith in the integrity or in the honesty of these officers. These presiding officers manipulate things according to their own choice, according to their own caprices or whims. Until voters are able to understand their own rights and privileges, which can only be achieved by the introduction of primary education among the masses, I think voting by ballot should not be introduced. My friend, Babu Amarendra Nath Ghose, referred to the system of ballot-voting in the case of District Boards, but he forgets that all the members of District Boards are literate, and so that analogy does not hold good in the case of the electors of these Local Boards. For these reasons I oppose this resolution, although when the proper time comes I might support it. Even if we find that these presiding officers have been manipulating things according to their own predelictions, we are precluded from making any complaints as regards the conduct of these officers. If we make a complaint, officials like Mr. Prentice will charge us with ingratitude. Having had that experience I would not take the risk of going to the higher authorities to make any complaints. Till full responsible Government is introduced in the country so that we can freely complain against the delinquency of these presiding officers, I think the system of voting by ballot should not be introduced. For these reasons I beg to oppose the resolution.

Mr. JOGESH CHANDRA GUPTA: May we know if the Government accept this as one of the reasons for opposing the motion that has been brought forward by my friend, Mr. Bannerjee?

Mr. J. C. DRUMMOND: I have already explained that Government do not mistrust those who are appointed as polling officers, but that it is realised that sometimes the candidates and the voters themselves do not implicitly trust everyone who is appointed as a polling officer. Therefore it is desirable to have some mechanism by which votes could be recorded without the intervention of human agency.

Srijut TARAKNATH MUKERJEA: I rise to support the resolution moved by Babu Jitendralal Banerjee. I have listened with great interest the speeches delivered by Mr. A. K. Fazl-ul Huq and Khan Bahadur Maulvi Ekramul Huq. The arguments advanced by them seem to me no argument at all. I am personally connected with the working of Union and Local Boards, being myself Chairman of a Local Board and Vice-Chairman of a District Board. I have consulted most of the members of the Union Boards in my district and they all in one voice strongly support the idea of the system of voting by ballot in

the election of Union and Local Boards. The system of voting by ballot has already been introduced in the election of members to the provincial Council as also in the Municipalities. We all know that the system is working very satisfactorily both in the Council and Municipal elections and we have not heard up till now anything against the system. It has been stated by Mr. Fazl-ul Huq and Khan Bahadur Maulvi Ekramul Huq that voting by ballot will not be suitable in the case of voters who are mostly illiterate. I am told that even in Council elections the same voters took part and we have not heard of any objection; even in Council and Municipal elections the same illiterate voters have recorded their votes satisfactorily and no voters or candidates for election have come forward with any complaint. It is a well-known fact that in open elections these voters may be influenced by influential and interested persons, at the polling stations. In the case of voting by ballot there will be no opportunity of exercising any such influence, and as such the voters will be able to record their votes according to their own choice. With these few words I strongly support the resolution.

Babu JITENDRALAL BANNERJEE: Though I could not follow the whole of Mr. Drummond's speech, there was one point in it which I could understand perfectly well. He said that Government did not distrust the polling officers; it cannot do so for they are its own officers, but it has no objection to taking advantage of the statement made by Mr. Fazl-ul Huq. I congratulate Mr. Fazl-ul Huq on the facility that he has recently acquired in lending himself very usefully to the services of the Government. The argument of illiteracy adduced by Mr. Fazl-ul Huq is a very stale argument and I beg to point out.....

Mr. A. K. FAZL-UL HUQ: That is so far as.....

Babu JITENDRALAL BANNERJEE: I refuse to give way to Mr. Fazl-ul Huq; and I resent these irrelevant interruptions. Sir, I protest against the vague and sweeping charges that he has brought against the polling officers. The system of ballot-voting has been in force for the last eight years in Council elections and two general elections have been fought under this system.

11-15 a.m.

But neither Mr. Fazl-ul Huq nor any of his colleagues has ever cared to bring definite charges against the honesty of polling officers in the matter of tampering with ballot papers—and so long as we do not

get definite proofs, we refuse to believe the vague and sweeping generalisations that have been brought forward to-day. I do not deny that there is a certain amount of difficulty—where the illiterate voter is concerned there must always be difficulty in such matters—and it is the business of Government to obviate these difficulties as much as possible. For instance, as regards illiteracy there is the difficulty about marking the voting paper and one way of obviating that is by using coloured voting papers. This has been used in some constituencies. I am reminded by Dr. Bidhan Chandra Roy that this has been used, and very successtully used, in his own constituency where the proportion of illiterate voters is well over 40 per cent. There is also another way of minimising the difficulty, and that is by the introduction of coloured ballot boxes—a system which has been used with very great success in the neighbouring province of Bihar. Mr. Drummond complains of the colour blindness of some people. The objection seems to be ridiculous. How many of the people are colour-blind? Would he give us the statistics? Would it be one in a thousand or one in ten thousand? Perhaps in a whole constituency only five persons would be found colour-blind; and for the sake of those five people you cannot object to the introduction of a system.

Khan Bahadur Ekramul Huq preached a sermon for my special behoof and reminded me of the duty of going out to the voters and teaching them how to be independent, courageous and god-fearing. I shall try, in all humility, to follow his advice. But, in the mean time, may I remind him of one thing? Human nature is human nature; and whatever moral lessons you may preach, intimidation and undue influence are sure to do their work—unless they are neutralised by the safety and secrecy of the ballot. Neither the ballot nor any other human contrivance will make elections absolutely pure and perfect. But the question, as I have reminded the Council already, is not one of perfection—it is of balance of advantage and convenience: and so far as that is concerned, the issue is clearly in my favour. I could have well understood Mr. Fazl-ul Huq's objection on the score of illiteracy if it applied to the whole ground of election—if he had contended that, the people being so largely illiterate, there should be no elections at all. But having once adopted the principle of election, you must now do the best you can for the purpose of making these elections successful: and the only way you can make them successful is by removing the risk of undue influence and intimidation.

Khan Bahadur Maulvi EKRAMUL HUQ: I may say that some of the polling officers cannot be trusted. In some cases the voters voted for me but their votes were recorded in some other places. I can give the names of some of the officers.

The motion of Babu Jitendralal Bannerjee was then put and division taken with the following result:—

AYES.

Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
Meitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Ham Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Shah, Mr. Gholam Hossain.

NOES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Choudhury, Maulvi Khorshed Alam.
Faroqui, Khan Bahadur K. G. M.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Khan, Khan Sahib Maulvi Muazzam Ali.
Rahman, Maulvi Azizur.
Rauf, Maulvi Syed Abdur.

Mr. PRESIDENT: Is Mr. A. F. Rahman present in the Chamber? It has been reported to me that he passed the teller but he was not present in the Chamber. If that is so then his vote will be expunged as usual.

[The vote was expunged.]

The Ayes being 39 and the Noes 13 the motion was carried.

Expansion and development of female education.

Babu AMULYA CHANDRA DATTA: I crave your indulgence, Sir, to move the resolution that stands in my name. It runs thus:

"This Council recommends to the Government that steps be taken at once for the expansion and development of female education in the Presidency by establishing one high English school in the headquarters of each district where there is not already such a school."

Sir, it would be impertinent of me and I would be doing an insult to the intelligence of this Council if I were to inflict a speech upon it to impress upon the House the necessity of female education. The days are gone by when we did not care, if not positively encourage illiteracy amongst our womenfolk, we, both Hindus and Muhammadans, now feel that the illiteracy of our mothers and sisters and wives not only interferes with our domestic comforts and happiness but that it is a clog on the wheels of our national progress. In moving this resolution, I wish to make my position clear on one point, viz., the ultimate object of female education. I am a firm believer in different spheres of action for males and for females. I have no faith in the movement for political power which has been set on foot in England and other European countries and which may be introduced into India and against which Lord Birkenhead has raised his powerful voice. If I also thought that the effect of my resolution would lead to further activities of our educated girls on the public stage, I would have nothing to do with it.

11-30 a.m.

I protest against that system of education which does not recognise any distinction in spheres and faction. At the same time I would put in a strong plea for the education of our girls; because I believe that education, if properly given, will add to the grace, charm and accomplishments of our girls, and will add to the usefulness and sanctity of our homes. I also believe that education, if properly given, will enable them to discharge their most important duty, namely, helping in the development of manhood and thereby laying solid foundation for the building up of a nation. Women have got to perform a more arduous and responsible task than men, namely, the bringing up of our boys and girls, and the training of our young men and women, so that they may be able to do their part well in the world and in the national life as well. It is with that object in view, Sir, that I have put in this resolution, and therefore I feel it necessary that I should make my position clear. The ideal method of female education are however not questions which are under discussion and which are involved in the resolution before us. We are at present concerned with the question as to whether and how we should have adequate funds for the education of our girls, and in discussing this question, we have got to go into the early history of the British policy of education in this country. We shall first have to consider the present state of female education in our country during British rule; secondly what the British rulers have done in this connection; and thirdly what can be done for the further expansion and development of female education. Sir, a review of the history of female education in India during British rule demonstrates the utter indifference of our so-called trustees towards this important matter—an indifference which I must

say is nothing short of a disgrace to British administration in India. If you look to the figures, you will find that only 2 per cent of the girls of Bengal are literate. Is this to the credit of our British rulers, who say that their mission in India is to civilise the Indians. In connection with the question of female education as also education of boys, I am fully alive to the necessity of the structure being built up from the bottom. We should first begin with primary education, and we should make sure of our ground work—I am confident of some steps being taken in this direction in the near future. The Primary Education Bill will come up for consideration before long, and I believe that the girls will not be excluded from the scheme. It is for that reason that I have not included primary education in this resolution. I have asked for the consideration of secondary education for our girls, because I believe it has been very much neglected. Sir, if you look to the education reports of the last few years, you will find that only 22 high schools are in existence in this Presidency, and in this connection I think I should draw the attention of the Council to the recent Quinquennial Report on Education. Up to 1927, there were only 19 high schools, and in an answer given yesterday to a question of mine, I find the Hon'ble Minister states that there were 22 girls' schools on the 31st March, 1928, and so I may take it that at present there are only 22 girls' schools in existence. From the report, you will also find that in 1921 there were 13 schools and in 1926-27 there were 19 schools, so in the course of five years there was an increase of only six schools. At the same time you will find that in 1921-22 there were altogether 2,647 girls in these high schools, and in 1926-27 there was an increase of 2,154 girls, so while in the course of five years the number of girl students had nearly doubled, the increase in the number of schools was only 25 per cent., and that is due mainly to private enterprise. This reveals a very sad state of things, and the question for consideration before the Council is whether Government should not take prompt steps for the establishment of high schools for girls in the Presidency. Can we complacently look at the above figures? What is the policy of Government in this matter? The Government policy is stated in an answer given to a question of mine only yesterday, and you will find it to be as follows: "Government are willing to encourage, within the limits of fund available, the establishment and maintenance of high schools for girls on the grant-in-aid basis in localities where there is a reasonable demand for such education amongst girls and adequate private support is forthcoming." Now, the policy of Government is not to establish any provincialised institution of this kind, but to adopt the grant-in-aid policy where there is a reasonable demand and where adequate private support is forthcoming. I ask you seriously, Sir, is this the policy by which Government should be actuated in a question of such vital importance to the country? I really do not understand what led

Government to make a declaration of this kind that they are not prepared to establish institutions of the kind I want. Now, that was not the policy of Government with regard to the establishment of zilla schools in olden days. Zilla schools in olden days were established to do pioneer work in the sphere of education. There may not be a very great demand now for the establishment of girls' schools, but once it is admitted that female education is absolutely necessary for the uplift of the nation, is it not the duty of Government to provide sufficient facilities and start a sufficient number of such institutions, not merely to meet the demand which is already existing, but also at the same time to create the demand which is necessary for the purpose. Sir, if you look to the history of education, you will find that when the Christian missionaries came to this country and started educational institutions in out-of-the-way places, they did not do this in order to meet the demand of the people, because there was no great demand for education at that time. They wanted to create demand for education and they succeeded in creating it where there was none. And the result has been that education received a stimulus which it would not have received but for the beneficient activities of these Christian missionaries. I would remind you of the contest in the time of Lord William Bentinck between the orientalists and the Anglicists. At that time there was no great demand for high English education, but in view of the fact that the Government thought that English education would do benefit to the country, Government started these institutions without any regard to the question whether there was any demand for them or not. So my submission to the Council is that this policy, which has been adumbrated in the statement of the Government, is a most shortsighted policy, and, if I may say so with due respect, it is prompted by a niggardly spirit. Is there no demand for high schools for girls in this country? I should say that the facts revealed in the Quinquennial Report go to show unmistakably that there is a very great demand for these institutions, and, with your permission, I will read out to the Council a few sentences from this report.

11-45 a.m.

"In Western Bengal there are 9 high schools for girls instead of 8 in 1921-22, but 8 of these are in Calcutta. In East Bengal, however, the number has risen from 5 to 10, 4 of the 19 schools are Government institutions, in Calcutta, in Chittagong, Mymensingh and Dacca. In Dacca there is another school and both are under the Dacca Board of Intermediate and Secondary Education. The total number of girls in high schools has increased from 2,640 in 1921-22 to 4,789 in 1926-27," that is the number has almost doubled "the number in the higher classes being respectively 629 and 1068."

Then follows a very important paragraph—

"One remarkable feature is the concentration of schools in Calcutta and their almost complete absence in the rest of Western Bengal. It is natural and right that Calcutta should possess several institutions, but it is not right that the mufassal should be neglected. The consequence of this is that girls requiring higher education are obliged to come to Calcutta and schools in Calcutta find it necessary to maintain hostels. To draw girls away from the healthy open-air life of the country to the conditions of the crowded city-life in Calcutta is an act of very doubtful wisdom."

When I gave notice of this motion I did not anticipate that I would receive so much support from a Government report. This government report establishes the necessity for the starting of high schools for girls in the mufassal. It has been said in the answer to which I have referred previously that Government are willing to encourage within the limited funds available. Now, Sir, when the question of famine, education and other things come up for discussion, Government are always prepared with the answer "if funds permit." Sir, if funds were available for providing for the payment of overseas allowance to British officers and for full pay while going on privilege leave, if funds were available for providing an additional grant of about Rs. 18 lakhs every year for police officers, if funds were available to meet the pay of six Members and Ministers to discharge the work that was originally performed by one Lieutenant-Governor and one Chief Secretary and that for a much larger area, I really do not understand why funds will not be available for an object which is absolutely necessary for the uplift of the nation? I do not say for one moment that these schools will meet the demand, but I want them to serve as a model and to do pioneer work in the sphere of education which the zilla schools did in the olden times.

I was reading this morning a Government publication in connection with female education and found that some objections were raised with regard to it on the grounds of the purdah system and the want of a suitable curriculum for the education of females. With regard to the purdah I may assure the Council that so far as Hindus are concerned it is gradually falling off and before long it will not be in existence. It is not a Hindu institution and bound to go sooner or later. But so far as secondary education of girls is concerned, i.e., the education of girls up to the ages of 15 or 16, the purdah will not perhaps be a great hindrance. In regard to the question of curriculum, my submission is that I do not really know if Indian or British statesmanship is so very bankrupt as not to be able to devise a curriculum for the education of girls. The report from which I have quoted refers to the activities of the Bengal Women's Educational League and I find that they have expressed some pious wishes therein for the

League which however have not yet materialised in the shape of pecuniary assistance to the League. If sufficient funds are placed in the hands of the League I am quite sure they will be able to go into the question of curriculum satisfactorily. On the question of funds I should like to draw the attention of Government to the observations of the Sadler Commission, and I shall quote only one sentence from that report—"We feel the development of an adequate system of secondary schools for pardahnashin girls to be of such vital social importance that we urge that public money should not be stinted in its creation." So whether any pecuniary support from other quarters is forthcoming or not, it is the Government's duty to provide adequate funds for the education of females in order that the nation may be uplifted.

Before I resume my seat I should like to refer to an amendment of which notice has been given.

Mr. PRESIDENT: You cannot do that.

Babu AKHIL CHANDRA DATTA: I rise to a point of order. Under rule 77 it appears that notice has to be given of a motion seven days before it comes to this Council for discussion; the mover has not done so and I object to the moving of the motion standing in the name of Maulvi Nurul Huq Chaudhuri on account of the shortness of notice.

Mr. PRESIDENT: Since objection has been taken to the motion of the amendment you cannot move your amendment, Maulvi Saheb.

Maulvi NURUL HUQ CHAUDHURI: Before I actually move my amendment is it competent for any member to object to it?

Mr. PRESIDENT: Mr. Datta objected when I called upon you to move it. The proper time to take objections is before you move it, and Mr. Datta is quite right.

Maulvi NURUL HUQ CHAUDHURI: I had no opportunity of moving it, Sir. But I trust that I have the right to address the House on this resolution, if not on my amendment.

Mr. PRESIDENT: Yes, you can do that.

Maulvi NURUL HUQ CHAUDHURI: Mr. President, I am not at all surprised that an attempt has been made on behalf of certain members of this House to stifle my amendment but the House should not have comitted itself to any policy of supporting or opposing the amendment in this manner. Had it not been opposed, I could have placed my arguments before it. But, Sir, some members have come

here with the avowed object of opposing these things and it has been their consistent attitude throughout their political life to stifle the demand of the Muhammadans of Bengal.

Srijut BIJAY KUMAR CHATTERJEE: Is the member in order in attacking the members of the Swaraj party in this manner?

Mr. PRESIDENT: I think the best course for the member will be to advocate the cause of Moslem institutions if he likes, but he will not be allowed to speak on his amendment which has been disallowed.

Maulvi NURUL HUQ CHAUDHURI: The member who has moved this resolution dwelt in a lengthy speech and very eloquently upon the condition of female education in Bengal, but he had not a single word to say about the state of Moslem education. Yet it is a patent fact that if any education is required to be encouraged at this stage it is the education of Moslem girls. Members very well know what Government has been doing with the sum of Rs. 7 lakhs which the spiritual predecessors of the Hon'ble Minister for Education have left behind entirely for the higher education of girls. They may also remember that last evening in reply to a question about Moslem female education the Hon'ble Minister gave some reply; but when I asked him whether he knew what was the proportion of Muhammadans and Hindus in those schools, he asked for notice. And when I asked him a supplementary question in order to know whether he had a policy so far as concerned Moslem education, my question was disallowed.

I will now place for the information of the members of this House a few facts on education. The Government of Bengal spend about 12½ lakhs of rupees for the education of Indian females; out of this about Rs. 5½ lakhs is spent on primary education and the balance of Rs. 7 lakhs is spent on the higher education of Indian females. If you will look to the figures and the proportion of Hindu and Muhammadan students in these institutions a deplorable state of things will be revealed. In the middle English schools there are 2,400 pupils, and out of these 2,400 pupils only 113 are Muhammadans. In the high schools there are 1,600 pupils, but out of these only 26 are Muhammadans in the whole of Bengal. Therefore the proportion of Muhammadan pupils to the Hindu pupils in female schools is only 1·6 and the proportion of Muhammadan pupils in female arts colleges is one per cent. Out of a total number of 84 pupils in arts colleges only 3 are Muhammadan girls.

12 noon.

No doubt it is the Government who is responsible and the Government know very well what their policy is. They favour one community against the other so that both communities may be at logger heads.

The fact remains that out of Rs. 700,000 spent in Bengal for the higher education of girls Muhammadans do not get more than Rs. 17,000. Objection has been made. I ask the Hon'ble Minister whether we are not entitled to some of this. We should get Rs. 7 lakhs or at least 4 to 5 lakhs for the encouragement of the Muslim female education. It has been said that there is no demand for the higher education of Moslem girls. In these matters the supply must proceed the demand. The mover of the resolution pointed out that it was due to Moslem activities in Bengal that the female education was first introduced. We ask the Government to give sufficient sum of money for higher education of Moslem girls so that there would be no lack of schools. If Government spend 5 lakhs of rupees there would be no difficulty in getting 4,000 Moslem girls for those institutions and as a matter of fact the entire number of students who are getting education is not more than this figure though the expenditure exceeds 7 lakhs.

Srijut BIJAY KUMAR CHATTERJEE: Is the hon'ble member supporting or opposing the resolution.

Maulvi NURUL HUQ CHAUDHURI: If the hon'ble member has patience to wait, in a minute he will get the facts. Sir, there would be no difficulty in starting schools if the funds are available for Muhammadan high schools in every district of Bengal, and if the Government has the generosity to do it there would be no difficulty in getting three or four thousand girls in Bengal. Our difficulty has been that the character of education that is now being given in the schools for females does not suit our social requirements. Whatever it may be there are three requirements which a Muhammadan wants—one is that the school must be suitable, the second is that Muhammadans look upon religious education as an essential feature of the education of their girls, and the third is that the Muhammadans are unwilling and will be unwilling to send their girls to schools where they do not get the lessons from the Muhammadan teachers; and it is because these conditions have not been fulfilled in the educational institutions for Muhammadans that they have been keeping away from these institutions. Give us the money and we shall be able to do better with it for the improvement of our female education than you have done. This House the other day refused to grant a demand for the improvement in the salaries of Police in Calcutta—Rs. 18 lakhs—and I ask the Hon'ble Minister for Education that if there is going to be any redistribution of this fund the first charge on it should be for the Muhammadan education because the Muhammadan education has been lacking in progress. With these observations I would urge the House to support this resolution and at the same time I would point out to the Hon'ble Minister for Education that we agree to the resolution with this reservation.

Dr. KUMUD SANKAR RAY: In speaking about this resolution I may say that I am surprised to find that so much irrelevant matter was brought with regard to this resolution.....

Maulvi NURUL HUQ CHAUDHURI: On a point of order, Sir. Is it within the province of the hon'ble member to say that irrelevant matter was brought forward?

Mr. PRESIDENT: That is a matter of opinion and not a point of order at all.

Dr. KUMUD SANKAR RAY: The demand was made for the starting of high schools in each district and there was never any question as to whether this should be for Muhammadans or Hindus or Christians or anybody else. Schools in my opinion should admit anybody irrespective of their caste or creed. In educational matters question of religion or sect or political views should not be allowed to interfere. I was also surprised to find that a Muhammadan cannot receive his education unless education is imparted by Muhammadan teachers. I am sorry to hear it and I would request Muhammadan members to revise their opinion on education, because if education can only be given by Muhammadans and by no one else then that education is bound to be sectarian. You cannot in that way enlighten or broaden the students' minds. The proper spirit of education should be that we should take proper perspective if different views of matters whether scientific or medical or any other subject. The real object of this resolution is this: The facilities for education in this province seem to be inadequate. The population of Bengal is about 8 or 9 millions and if primary education is introduced you will require at least 2,000 schools in each district and calculating at that rate there ought to be 45 to 50 thousand primary schools for Bengal. The next question would be that of these schools a large number would be required for females because female education had been utterly neglected so long. I agree with the hon'ble members in this House that so far as the education of females is concerned it would be desirable to have female teachers as far as possible, and so far as I am able to see there should be a sufficiently large number of teachers, i.e., 20 or 30 thousand would be required merely for the purpose of primary education, and you would also require quite 3 to 4 hundred training schools to train up these teachers. Now the resolution provides for only 26 schools, one in each district for female education. I would have been glad if the mover had asked for at least 50 schools for girls for each district. Even then I doubt whether the number would be sufficient. The question now arises that where is the money to come from. The money has got to be found and this matter has been discussed repeatedly. If sufficient money is not provided for the education of

our girls, I may be permitted to point out that the money which is spent on public health—I mean a large proportion of money that is spent for public health regarding preventible diseases' propaganda work—would be wasted because unless our girls are educated what is the good of spending money for that purpose, as any amount of propaganda is useless and all money spent by the Public Health Department in this respect would be absolutely wasted. Every one of us in this House is aware that the health of this country is bad, and specially the infant mortality is one which is higher than in any other country of the world; if not, it is second highest in the world. The average infant mortality per 1,000 is about 300 to 400 and this is mainly due to the illiteracy of our women. They do not know how to prevent epidemic diseases and avoid infectious diseases. The infant mortality will never be checked or tackled unless education is given to our girls. Sir, I should like to say what my experience in this respect has been gained as a worker in connection with the Health Associations which have been started in Calcutta. I was put in charge of a locality which is mainly inhabited by the Muhammadan community among whom the mortality from tuberculosis is very high among females. The great difficulty I came across is that any health propaganda is absolutely impossible because of the dearth of educated women who can be entrusted to educate the Muhammadan women. With these few remarks I beg to support the resolution.

Maulvi ABDUL KARIM: There has been some misapprehension with regard to the object of the resolution before the House; I do not know why it has been assumed that the mover of the resolution meant sectarian schools. I must however say, as far as female education is concerned, special arrangements have to be made for Muhammadan girls and if funds are available schools in sufficient number should be established for female education, specially for Muslim girls.

12-15 p.m.

I do not think Government would be able to find funds for some time to establish even one set of schools. As for a duplicate set of schools both for Hindus and Mussalmans, that seems to be out of question. There can be no two opinions about the fact that development of female education is necessary in Bengal. One fact seems to have been lost sight of and that is this: that unless there is a sufficient number of primary and middle schools, the high English schools at district headquarters would not have sufficient numerical strength. I have not been in touch with the department for about a decade and a half and I am not aware that things have materially changed. I think in all the districts female education up to this time has suffered much, and there can be no doubt that there is an essential necessity

for the establishment of a large number of schools. I have no complaint to make about the resolution as it is, but I have a great complaint to make against the Government, especially against the present Minister in charge of Education. His predecessor in office in order to placate the Mussalman members of the Council unfolded in this House a scheme of female education for Moslem girls and he promised, seriously promised, to spend a large amount on the establishment of schools for Moslem girls. I do not know what has been done with that scheme; perhaps it is in the waste-paper basket. As far as I could learn from his colleague, Sir Abdelkerim Ghuznavi, the scheme was ready, but it was not given effect to. Then again as regards one particular school in Calcutta, I mean the Sakawat Memorial Girls' School, every possible effort has been made to get it provincialised, but we have failed. Perhaps it is not known to the members of this House that there is not a single Government High School in Calcutta where Moslem girls can have their education. The only Government high school for females in Calcutta is the Bethune Collegiate School, and perhaps it is not known to the Minister in charge that Moslem girls are not admitted into that school. About a quarter of a century ago when Mussalmans were very unwilling to send their girls to school, the late Dr. Zahiruddin Ahmad contemplated to send his daughter to school; but she was refused admission into the Bethune School. He then came to me (I was at that time a Special Officer) and I saw Sir Alfred Croft; but he was not aware that Moslem girls were not admitted into the Bethune School; he enquired why Dr. Zahiruddin's daughter was not admitted and the authorities of the school quoted a circular in which it was stated that the school was made over to Government on the distinct understanding that Moslem girls should not be admitted. I do not know whether that bar is applicable to the Collegiate Department also; that is the only institution in Calcutta, I mean Government institution, where Moslem girls could have their education. Therefore we tried to raise the Sakawat Memorial Girls' School to the status of a high school. I saw the Director of Public Instruction, I saw the Secretary in the Education Department when our scheme was ready and I had Her Excellency, Lady Jackson, invited to the school and then when I found that it was not possible to provincialise the school I saw His Excellency the Governor. He was very sympathetic and in a way promised that the scheme would be sympathetically considered. I am sorry to say that on account of the opposition of my mighty friend, the Finance Member, the thing did not come to fruition, and the scheme has not yet materialised. The proposal was not to provincialise the school permanently, but only provisionally for a short period in order to see whether it pays it way. We were prepared to place at the disposal of Government Rs. 20,000 to make up any deficiency that might occur. With all these efforts we have not yet been able to induce the Government to provincialise

the school, even temporarily: various excuses were put forward, e.g., that it was not put in the Schedule. I think in an important matter like this red-tapeism should have been laid aside and immediate action should have been taken to meet the requirements of the community. It was also pointed out that Government would not have to pay an extra farthing for the provincialisation of the school for the present. There were two middle schools, and the proposal was to amalgamate them into one: One of these schools was at that time in a moribund condition. With all our efforts we have not been able to induce the Minister to provincialise the school and he has not pushed forward the scheme that his predecessor promised. These are our complaints. It is not that we object to the establishment of schools for all classes of people, but we want in certain localities special institutions for the education of Moslem girls. I hope and trust Government will see to it.

Mr. P. N. GUHA: Sir, I have every sympathy with the anxiety of the hon'ble mover regarding female education. I do not think I should say anything with regard to the controversy that has been raised by some of my Moslem friends on the other side. What I think is that if the Government is willing to establish more schools for affording facilities for the education of our girls it will benefit Hindus and Mussalmans alike. Government never shuts the door of any particular school for girls to any particular community. So, the short-sighted controversy should be set at rest by all means possible. In this connection I should like to send a note of warning not only to the mover of the resolution but also to the Government as a whole. The line on which the education of our females is being conducted in this country is to say the least dangerous for the future generation of our mothers, Government has no different curricula or different policy with regard to education of our girls from that of our boys. Our girls are trained exactly on the same system and in the same way as our boys are. Practical experience has shown that this is ruining the health of the future generation of our mothers. Sir, I hope to be pardoned as the father of two or three girls who are all being educated in high schools. I have been taking special care with regard to their health. I am sorry to say that in the curricula there is nothing with regard to the development of the health of our girls. In many schools not more than two buses are available. These buses go out at about 8 in the morning and all the girls are brought into the school between 8 and 10. In the same way they are sent back to their homes in about 2 hours, that is, from 4 to 6. Our girls have got to finish their meals and their breakfast and come to the school at 8 in the morning and cannot return home till 6 in the evening. Many of the parents are not so rich as to be able to send a substantial tiffin to the school and the result is that the majority of the girls are weak. I was only

about a couple of days ago talking with a physician visitor of one of the most prominent schools in Calcutta. He assured me that 90 per cent. of the girls were in a sickly condition. And I remember about a year ago a controversy was raised in a local paper which I have the honour to serve that the same condition as I have stated prevailed among many of the girls. Various opinions were expressed and so far as I remember every father who has his girls sent out for education is feeling the consequence of this system. My friend, Mr. Oaten, the late Director of Public Instruction, said on the occasion of the prize distribution of the Bethune College that the system was ruinous. I ask the Government in all seriousness, is there anybody in the Government who watches this disastrous development of the female education in our country? These girls at the age of 15 or 16 have so many books to read which may be suitable for boys, but for various reasons are not suitable for girls. I speak, Sir, from my personal experience that this system is definitely ruining the health of the future generation of our mothers. I have every sympathy with the anxiety of my friends here for developing female education. The time has certainly now come when we should improve the method in which our girls should be taught. Is the present system fit for their education? May I ask and ask you seriously, whether the present system of education which our girls are having in schools and colleges will help them to carry on the duties that they will be called upon to discharge in their later life? Will it help them in their household duties? Will it help them to be fit themselves as ideal mothers? That is a problem which I for one should think should be seriously tackled. The report of the Health Committee of the Calcutta University shows that about 80 per cent. of our boys are not in good health: most of them are short-sighted. I should like to state a particular instance here in this connection for the information of the House: the other day certain girls, about 15 in number, were invited at a picnic party in my house. Would you believe, Sir, that 12 out of the 15 girls wore glasses and none of them was above 17? And every one of them was so sickly that to be frank I should think no body would accept them in the marriage market. Would you believe me that in the last winter I have seen more than 20 girls in order to pick a bride for my son, but none of them I found would be useful to my household. They can do everything, they can read, write and sing, but that would not help them much in their household duties.

12-30 p.m.

The present system of education has ruined the health of our future male India and it is going to ruin the health of the future mothers of India. Sir, I have every sympathy with the resolution and I would ask Government to spend as much money as they can to provide

for the development of female education, but at the same time I would ask in all seriousness the Government and others who are concerned with the welfare of the womenfolk, to consider whether the present system should not be so changed as to suit the requirements of Bengal. It will not be good for us to forget that we are a different race: we may speak English, we may imbibe Engilsh culture and we may want better companions, but the transplantation of the entire civilisation of the west will not do us any good. That is why I sound a note of warning in regard to the policy of female education that is being followed in this country.

Maulvi KADER BAKSH: Sir, most certainly I am not going to oppose the resolution. So far as I have been able to understand my friend, Maulvi Nurul Huq Chaudhuri, I might say that his intention was not to oppose the resolution but he was a little bit anxious to press the Hon'ble Minister for making provision of safeguards in regard to Muhammadan female education. There is no denying the fact that Muhammadan female education has up till now been neglected at the hands of Government and I think that Government should make amends for this negligence on their part by providing adequate protection to Muhammadan female education. If Muhammadan girls did not come to schools up till now, it is not because they are much behind with regard to their love or desire for education, but because there was no field for them. My friend, the mover of the resolution, has said that demand has to be created by establishing schools first. I might very well say that an eagerness has to be created, if there is none at present, in the minds of the Muhammadan community for getting their girls educated by establishing schools at such centres where adequate facilities and opportunities might be given to Muhammadan girls.

In the Dinajpur High School for girls there are 27 Muhammadan girls, but there is no provision for giving them lessons in Arabic and Persian. When there are 27 students I think some provision should be made for male or female teachers in Arabic and Persian. In reply to Dr. Ray's remark about the deplorable condition of the health of Muhammadan females, I might say that it is not due to their want of education but the reason is to be sought elsewhere. I would ask the Hon'ble Minister to see that adequate provision is made in all high schools for giving Muhammadan girls lessons in Arabic and Persian however small the number of Muhammadan girls may be.

There is another point. It is for the first time that I have heard that Muhammadan students are unwilling to receive lessons from Hindu teachers. We Muhammadans are never unwilling to receive lessons from Hindus. But we desire at the same time that there should be an attempt on the part of the authorities and the Government to take adequate number of Muhammadan teachers in all schools. My request

to the Hon'ble Minister is that he might take some steps to putting in some Muhammadan teachers in High schools conducted by Government. Of late we know that there has been an attempt made by the Education Department to drive away Muhammadan teachers on the flimsy ground that they are not B.T.'s. Although they are graduates and have been serving for 6 or 7 years they are to be thrown out. I would ask the Hon'ble Minister whether Mr. Stapleton and Khan Bahadur Ahsanullah are to be turned simply because they are not B.T.'s. I would ask that these Muhammadan teachers be made permanent and that the new system be not given effect to retrospectively.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, in reply to the question No. 36 (unstarred), put on the 3rd of August, I informed the Council of the decision of Government with regard to the establishment of high schools in Bengal, "that Government are willing to encourage within the limit of funds available the establishment and maintenance of high schools for girls on grant-in-aid basis wherever there is a reasonable demand." Government are aware of the demand for the establishment of high schools for girls at headquarters stations of several districts and Government will do their best to provide the funds necessary to enable the establishment of high schools on a sound basis. I hope the mover of the resolution will consider this point of view.

Then, as regards the demand of Muhammadan members to make the schools acceptable to Muhammadan girls, I may say this much that whenever high schools are established we shall see that facilities for teaching Arabic, Persian and Urdu are provided for Muhammadan girls. In the course of the debate on this resolution, my friends from all directions have made a lot of suggestions which are not strictly relevant to the establishment of schools at headquarters. I can assure my friends that although their suggestions are not relevant I have been greatly benefited by the advice they have given me and I will remember the advice I have received when I dispose of the matter in the usual course. I may give my hon'ble friends who are anxious to see that there should be provincialised schools in preference to aided schools—one instance which will convince them that grant-in-aid schools can be run efficiently and at a less cost than provincialised schools. I visited the Noakhali School where there are only 250 students: the cost of running that school on a provincial basis is Rs. 1,800 a month. I visited another school in the very same place where there are about 500 students and the cost of running that school is not more than Rs. 700 a month. The latter one is run on a grant-in-aid basis. So if you want really the spread of education you need not care as to how the school is run or who runs the school. In the former case the school is run by the Department and in the latter case the school is run by the Managing

Committee. But I am not sure whether a school that is run by the Department is more efficient than a school that is run by the Managing Committee. If my friends will take over charge of these provincial schools to-morrow the policy of Government is to hand them over to them on a grant-in-aid basis.

Maulvi ABDUL KARIM: Is the Director of Public Instruction agreeable to this proposition?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I can assure my friend, Mr. Karim, that this is the decided opinion of all thinkers on the subject.

Maulvi ABDUL KARIM: May I enquire why the recommendations of the Retrenchment Committee have not been given effect to?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Because it raised a lot of protests from my friend who has just spoken.

Rai HARENDRANATH CHAUDHURI: Are we to understand that Government would like to be relieved of the responsibilities for primary, secondary and higher education?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It is too wide a question for me to reply to. So far as these provincial schools run by Government are concerned, I can assure my friends that if they will take charge of these schools I shall be only too happy to hand them over and allow them to be run on a grant-in-aid basis.

About the Muhammadan demand what I have already said meets the arguments of my friends. I can again assure my friends that facilities for teaching Persian and Arabic will not be denied to Muhammadan girls and that it will be my best endeavour to see that whenever there is a demand for girls' schools it is complied with, provided adequate funds are forthcoming.

My friend, Mr. P. N. Guha, has raised a certain point which is not relevant to the question at issue but I should like to reply to it.

Mr. PRESIDENT: Order, order. I think the Hon'ble Minister is not right in saying that the discussion we listened to was not relevant because although this resolution proposes the establishment of some schools, the real object of the resolution is the expansion of the female education as a whole.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I bow down to your ruling, Sir. Now, to come to the point. I will reply to some of the points which have been raised by some of my friends, especially Mr. P. N. Guha. He has pointed out that the curriculum of the girls' schools is the same as that of the boys' schools. I cannot accept this. So far as the girls' schools or colleges are concerned, the curriculum is the same as that of the boys for the Matriculation, F.A. and B.A. examinations. But the girls are taught some other things in addition to the ordinary curriculum for boys, and we are at present considering the curricula that should be provided for the girls.

Then my friend, the mover, said that when Government schools were established, there was practically no demand for them. I admit that he is partially correct, but at the same time if you will read the history of Bengal, you will find that these schools were established when English became the court language, and Government established all these schools as model schools for propagating English education in this country. Although my friend may say that there was no demand from the people, still it cannot be denied that there was a real demand from the people for such education. It is no use opening out schools for girls in out-of-the-way places, unless a sufficient number of girls are forthcoming, who would like to avail themselves of English education. In this connection I may inform my friends that we have already got schools in Dacca, Mymensingh, Barisal, Chittagong, Jalpaiguri, Darjeeling, Krishnagar, as well as in Calcutta, and there are middle English schools at Comilla, Rajshahi and Midnapore, and these schools are being gradually raised to the high school standard. As regards the remaining places, if there is a real demand for such schools, I can assure my friend that that demand will be met as far as possible. With this assurance I hope my friend will not press his resolution to the vote of the Council.

Babu AMULYA CHANDRA DATTA: Sir, I do not propose to be very long in my reply, because I am very much gratified to find that my resolution has met with almost universal approval. I say almost, because a discordant note was in the beginning struck by Maulvi Nurul Huq Chaudhuri, though I find that eventually he too has approved of my resolution. I might assure my friends that there was no trace of communalism in the resolution and in what I said. That was farthest from my mind, and it will ever be farthest from my mind, because I am convinced that so long as this communal feeling is allowed to grow in the country, the country will suffer and suffer badly. I am convinced that denominational schools, separate electorates and such other water-tight compartments as are sought to be created by either side, will be productive of disastrous consequences to the country; when I formulated this resolution I did not mean to shut out Muhammadan

girls from the schools, nor do I want that they should be shut out, because I feel that the more we separate ourselves, the more we keep ourselves aloof from each other, the worse it will be for the country. Familiarity no doubt breeds contempt, but at the same time it breeds respect for each other's feelings. The more we mix with each other, the more we get to know each other, and, therefore, if my Muhammadan friends desire the good of the country, I hope and trust that the communal feeling that has been in evidence in this House for some days past, will be wiped off and we shall work in harmony together.

Now, Sir, with reference to the speech of the Hon'ble Minister, I submit that I did refer to his answer to my question in the course of my speech. I said that the statement of policy of the Government, as outlined in the answer, is hedged in by so many restrictions, by so many limitations, and by so many "ifs" and "buts," that it has been made as vague as possible, and it does not give us any working basis. The Hon'ble Minister assures us that if there is a reasonable demand for the education of girls, and if adequate private support be forthcoming, in that case Government will give grants-in-aid. I really do not know what is the test of his reasonableness of demand, or what is the test of his adequacy of private support as expressed in his answer to my question. What sort of demand he will consider reasonable and what private support he will consider adequate, I do not understand. My point has always been that if so many restrictions and so many limitations are imposed in solving educational problems, it would not result in any benefit to the country. If you are convinced that female education is absolutely necessary for the uplift of the country, you have got to find money for it: you will have to create a demand for it, and until you do that you will not help in the building up of the nation, and I would remind the Hon'ble Minister that he is in charge of the nation-building departments. So in a case where questions connected with the building up of the nation are concerned, we should not be so very niggardly, but on the contrary we should be generous. I submit, therefore, that if it is found that there is no girls' school in any part of the country, whether there is any demand for it or not, whether private support is forthcoming or not, an institution should be opened—either a high school or a primary school as may be found necessary. That is the point which I wanted to make out and I do not find an answer to that in the Hon'ble Minister's speech. It cannot be gainsaid that female education is absolutely necessary for the good of the country and that it has been neglected by the Government.

Then, Sir, it has been pointed out by Maulvi Abdul Karim that primary schools should be the basis or the ground work of high education for girls as well as boys. I do not dispute that proposition. I

stated in my speech that I did not include primary education in my resolution only because under the new Primary Education Bill there was every prospect in the near future of provision being made for such education, and I expressed the hope that the education of girls would not be excluded from the scheme. Therefore, I think that we need not for the present, so far as the resolution under consideration is concerned, consider the question of primary education, but I am convinced that unless and until sufficient provision is made for the primary education of girls, it would be no use starting or establishing high English schools.

Now, there is one other misconception with regard to the object of the resolution. My friend, Dr. Ray, complained that the resolution was a very modest one, and that one high school in each district would not be adequate enough to meet the demands of the country. I fully realise that and I appreciate his observation, and I am of that opinion too; but my point is that I want these schools to serve as model schools to do the pioneer work, as I stated in my opening speech, in order that other institutions may follow in their wake. The Hon'ble Minister said that when zilla schools were opened, there was a demand for them. I really do not know whether the Hon'ble Minister is correct, but my point was there was not much demand for them in those days. In the days of Lord William Bentinck, there was a fight between two sections of the people—one section wanted oriental institutions and the other English institutions. The latter came out victorious in the fight. Since then we find that these Government schools were started, although there was no very great demand for them. But in spite of that, these institutions were started, because Government felt the necessity of such institutions for the good of the people. I do not think I need take up the time of the Council any longer.

As regards the note of warning sounded by Mr. P. N. Guha, I fully sympathise with him and I agree with him that the curriculum that is provided for the boys will not be suitable for the girls, and therefore necessary modifications have got to be made in the curricula. But I have used the term "high English school" in my resolution, because I am under the impression that unless these schools conform to the requirements of Government, they will not come forward with funds. Of course, it will be for the governing body to make necessary additions and alterations to the curriculum.

The following motion was then put and agreed to:—

"This Council recommends to the Government that steps be taken at once for the expansion and development of female education in the Presidency by establishing one high English school in the headquarters of each district where there is not already such a school."

The following resolution was called but not moved, and therefore deemed to be withdrawn:—

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: "This Council recommends to the Government that early steps be taken to introduce a Bill on the revenue assessment of temporarily-settled estates of Bengal to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the maximum of assessment, the periods of revision, and the graduation of enhancements, on the lines of recently introduced United Provinces, Madras and Punjab Bills on the subject."

Copyists and typists of Courts.

Maulvi TAMIZUDDIN KHAN: I beg to move that this Council recommends to the Government that the services of copyists and typists employed in the various offices attached to civil, criminal and revenue courts be placed on the salaried basis.

This is a question which has agitated not only the minds of the sufferers but also the minds of the general public for a pretty long time, at least since the year 1921. I intend to state briefly the history of this question. It was on the 23rd June, 1921, that a letter was issued by the Registrar of the High Court on this subject. I want to quote a portion of that letter. That letter says that "the standard of earnings of the copyists and typists should be raised by reducing their number, the reduction being achieved gradually by making no new appointments until the proposed higher standard is reached." What the higher standard is is stated in that letter. It is that each copyist may earn at least Rs. 40 and each typist, Rs. 65 a month. It goes on to say that if practicable a higher minimum should be secured and the maximum of Rs. 60 for copyists and Rs. 80 for typists should be the standard. For all these 7 or 8 years questions have been asked in this Council and a resolution has been moved and accepted for ameliorating the condition of the copyists and typists but Government have not seen their way to do anything substantial for these poor public servants who do, an indispensable class of work. In spite of the circular we find that in the district of Faridpur in 1922, although the letter was issued in 1921, the average earning of a typist was Rs. 49 and of a copyist Rs. 31 only; in 1923 in the same district the average earning of a typist was Rs. 45 and that of a copyist Rs. 31; in 1924 the income of a typist was Rs. 50 and of a copyist Rs. 28 only. I have not got the figures for later years but I have heard that there was no appreciable improvement in the income of these people. In some districts the income is high but in many districts it is very very low and the result is that there is a great deal of discontent among the typists and copyists in those districts. We see that a resolution was moved in this Council

in 1921 by Khan Bahadur Wasimuddin Ahmad recommeding to the Government that the services of the typists and copyists should be placed on a salaried basis. That resolution was carried and Sir Abd-ur-Rahim, who was then in charge of that portfolio, gave a very sympathetic reply. He said that the typists and copyists had a good case and that it was the intention of Government to improve their condition when it was possible.

As nothing had been done in a short time in the year 1922 another member of this Council Shah Syed Emdadul Haq moved another resolution recommending to the Government to give effect to the resolution already spoken of and during the course of the discussion on this resolution assurances were given that the Government were anxious to improve the condition of these poor people and then the resolution was withdrawn. In October 1923 happened a very important event in the life of the poor typists. I refer to Notification No. 9618, dated the 1st October, 1923. By that notification the price of a folio was raised from 3 annas to 4 annas and when this was done the copyists and typists naturally thought that this was a move for ameliorating their condition. What happened afterwards only confirmed their conviction because in a Government letter No. 10043-10447, dated the 15th November, 1923, it was stated that the extra anna realised for each folio should be retained with a view to making a contribution to the provident fund which was about to be started for the benefit of the typists and copyists in addition to the subscription of each of them to the fund. In spite of these assurances contained in the Government letters we find that the copyists were compelled to contribute 1½ pies per folio towards their provident fund, that is 1 anna in the rupee, whereas the Government contribute 1⅛ pies per folio; that is, Government retained 10⅞ pies out of 1 anna which was set free after giving the remuneration of the typists and copyists and after retaining another anna for the pay of the comparing clerks and for the price of paper and other things. I fail to understand why Government in spite of assurances retain so much of this extra anna. If the full amount of the extra anna had been spent for the benefit of the poor typists and copyists I think their condition would have improved to a certain extent by this time. To may mind there is no justification for Government making a profit out of the labour of these poor classes of public servants and it is high time, before any scheme for paying a fixed salary to those men is decided on, that Government should give the full one anna to the typists and copyists either in the shape of contribution to the provident fund or in the shape of an increment to their remuneration.

It is said that the service of these people cannot be placed on a salaried basis on account of the shortness of funds; I do not know how Government find any difficulty in getting fund for this purpose. It will appear that if these people are placed on a salaried basis a large number of them will have to retire and those who thus retire, if they

are not debarred from the benefits of pension and if their past services are counted will draw certain small pensions only and thus large savings will accrue from their retirement.

Secondly, Government are trying to raise the average income of the copyists and typists; their present income averages Rs. 50 or Rs. 60. If they are brought under the pay basis new employees amongst them will draw much less and I think there would be a good deal of saving in this way. Most of these men will not draw, as much as that. Therefore I do not think Government will have to spend much from other sources if they place the services of the typists and copyists on a salaried basis. The comparing clerks who belong to the ministerial service are paid out of the one anna which the Government retain from the earnings of the typists and copyists. It is simply anomalous that the lot of these comparing clerks should be far better than those very people out of whose labour this income accrues.

Besides this there are the expedition fees. I do not think they go to, the benefit of the typists and copyists at all. These expedition fees come from the life blood of the typists and copyists because they have to work very hard in order to supply copies to the people expeditiously. Therefore it is just and proper that these fees should be set apart for the typists and copyists.

I do not like to dilate upon the question very much. I only emphasise upon the fact that as resolutions have been passed in this Council more than once for placing these typists and copyists on a salaried basis and as they have a good case Government ought to do something for these poor people. Government also admit that they have a good case but unfortunately nothing substantial has been done for them as yet. I hope Government will take the matter into their serious consideration and lose no further time in bringing the services of copyists and typists under the pay system.

Babu JITENDRALAL BANNERJEE: I beg to extend my wholehearted support to this resolution. I do so, not upon the figures of the case—of which, I confess, I know nothing—but because of the general principle involved. The principle is that payment on a piece-work basis is always bad and should be substituted wherever possible by payment on a salaried basis. At present what do we find? We find that the typists and copyists who are a most useful body of men are most of them dissatisfied. They are dissatisfied—in the first place because they are not sure of their income which varies from month to month according to the amount of work they get; in the second place because they are not sure of their prospects; and in the third place, because they can't look forward to any pension. On all these grounds they are a dissatisfied body of workers and you can never get good work from people who are dissatisfied. Upon this ground of principle, and upon this alone, I beg to support this resolution.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: I support this resolution because I find there is no other class of Government officers who are so miserable as these copyists are. These copyists and typists are under all the disabilities of Government service. After their retirement they have nothing to fall back upon. Without them the administration cannot properly be conducted; although the wishes of the Council have on several occasions been expressed to place their services on a salaried basis, still no action has been taken by Government yet. They work from morning till evening and they earn on an average not more than Re. 1 or Rs. 2 a day. They have got no leave, no pension, nothing of the kind. If their services are placed on a salaried basis their future, as after their retirement, they cannot, draw any pension, would become a little hopeful. These people have got to work so hard that they may after retirement fall ill and consequently may be very adversely circumstanced. Their services should be placed on a salaried basis and Government should allow them the privilege of all the advantages attached to other salaried appointments.

Mr. K. C. RAY CHAUDHURI: I move, by way of amendment to motion of Maulvi Tamizuddin Khan, that after the words "revenue courts" in line 3, the words "and Registration offices" be inserted.

Mine is a very minor amendment, namely, to include copyists and typists of the Registration offices. Certainly, I agree with Mr. Jitendralal Bannerjee to the view that piece-work system should altogether be done away with. Sir, the principle of the piece system—no work, no pay—was discussed here and in the Assembly very fully. Therefore, Sir, I do not think I should intrude upon your time by going over the grounds again with all those arguments of the evils of the piece system. In the Registration Office copyists and typists get 23 days per month and their average earning per month at Re. 1/4 a day is about Rs. 24-12. This is what the bhadralok class get by working in Registration Offices. Sir, this fact should not be overlooked. They neither get any privilege leave nor any casual leave as other salaried officers of Government do. I trust the Council will accept my amendment.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): I am sorry I cannot accept this resolution, though much as I sympathise with these copyists and typists. The only speaker who has dealt with the question of principle involved is Mr. Bannerjee; he simply expressed the general opinion that Government servants should never be on piece-work but should always be on a salaried basis. He is entitled to express that opinion, but I do not think that it can be held to be universally true. There are many Government servants who are paid at piece-work rates and I do not think that modern discussions on the subject have arrived at the unanimous conclusion that the substitution of salaries for piece-work is

always the best thing, either for the employee or for the employer. However that may be, as the object of the resolution is to improve the position of the copyists and typists, and as the cost of entertaining these people is met out of the fees which are paid by the public, then if salaries are to be better for them than piece-work, the total amount paid them must be higher than at present and copying fees must be increased to provide the additional amount required. I do not think that is the desire of the mover, but this will be the inevitable result of his hypothesis that the substitution of salary for piece-work will improve the position of the copyists and typists.

There is another point to consider: supposing copyists and typists become salaried employees of Government, then applicants for these posts will have to possess the requisite qualifications laid down for the posts: Up to date no one has insisted on any educational qualifications for these posts with the result that people who are not qualified for other Government posts have been able to get much as copyists or typists. In future this avenue of employment will be closed to them. It has been said that Government has done nothing for these copyists. This is not the case. We have issued orders and the High Court have issued orders, stating that the establishment should be so regulated that the average earnings should not fall below a certain minimum, and the average earnings under those conditions are not at all as bad as has been stated. The latest figures that I have are for 1926: taking the average of all the districts the average earning of a typist throughout the year was Rs. 54-8 a month: copyists get less, and their average was Rs. 32-8. I notice that the average earning of a copyist in the district of Faridpur only amounted to Rs. 21 which is much below the rate fixed by Government. I do not know why this is so. It may be that there are few applications for copies or that the officers are not carrying out the orders of Government and in the kindness of their hearts they are retaining one or two extra men in the copying department. My experience is that there is much reluctance on the part of some officers to reduce the staff of copyists and typists so as to enable the earnings to reach the minimum. They are too kind-hearted and so are the tyypists and copyists. I shall make a note about the average earnings in Faridpur being less than the minimum and I shall have enquiries made into the reasons.

The mover also claimed that expedition fees should be given to the copyists, because they are earned by the life-blood of the copyists. Surely this is not so. An expedition fee is paid only when the applicant wants a certain piece of work to be taken out of its turn: there is no extra rush on the typists or copyists.

The objection has been taken to comparing clerks being paid out of the copying fees. The department exists solely to supply the demands of the public, and if it did not exist no comparing clerks

would be required. Their pay therefore is properly chargeable against the fees levied for the supply of copies for the preparation of which the staff they are called upon to supervise is maintained. In these circumstances I do not think that there is any reasonable ground of complaint that the pay of the comparing clerks is charged against the receipts from copying fees.

The reason for paying by piece-work and not by salary is that there is no fixed demand for their work, and there is no reason why a public staff should be maintained for doing private work at the expense of Government, which ultimately is at the expense of the country. Piece-work enables one to deal with the fluctuating supply and demand and if you substitute salary for piece-work, the charge on the public will inevitably increase.

Lastly, as regards pensions. It is unfortunate in some ways perhaps that these people are not entitled to any pension, but there are many services in which there is no pension or a provident fund has been substituted for a pension. Well, recently arrangements have been made to give those copyists who do not get pensions the benefit of a provident fund. It has been said that Government does not contribute a sufficient amount to the fund. My information is that they contribute cent. per cent., and I have just verified the fact that for every anna contributed by copyists or typists one anna is paid by Government, and I do not think you will find any other provident fund is more liberally treated. I regret that much as I sympathise with these copyists and typists in their desire for a salary, I cannot accept the resolution.

Rai HARENDRANATH CHAUDHURI: May I ask a few questions? What will be the total cost of the establishment if the typists and copyists are placed on a salaried basis?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say off-hand.

Rai HARENDRANATH CHAUDHURI: The Hon'ble Member said that the copying fees will have to be revised. Is the Hon'ble Member aware that due to the recent revision of the registration fees there is a surplus under the head "Registration"?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of it.

Rai HARENDRANATH CHAUDHURI: He has made a point that some copyists and typists will have to go if the whole establishment is placed on a salaried basis. Why can't they be absorbed in the general ministerial establishment?

The Hon'ble Mr. W. D. R. PRENTICE: Most of them have not the minimum educational qualifications. Members of the Government service have certain minimum educational qualifications, and these people are ordinarily much below that standard.

The amendment of Mr. K. C. Ray Chaudhuri was then put and agreed to.

The motion of Maulvi Tamizuddin Khan, as amended, was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Bakah, Maulvi Kader.
Banerjee, Babu Premetha Nath.
Banherjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Sarai Kumar.
Farequi, Khan Bahadur K. B. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Tarakanath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Chaudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray Chaudhuri, Mr. K. C.
Roy, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Ray, Mr. Bijay Prasad Singh.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Nalinirenjan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Shah, Mr. Shalam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Ghose, Mr. M. C.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Reid, Mr. R. N.
Sachse, Mr. P. A.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.

The Ayes being 63 and the Noes 17, the following motion was carried:—

"This Council recommends to the Government that the services of copyists and typists employed in the various offices attached to civil, criminal and revenue courts and Registration offices be placed on the salaried basis."

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 6th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 6th August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 105 nominated and elected members.

Obituary Reference.

Mr. PRESIDENT: Gentlemen of the Council—Before we begin the business of the Council, it is my sad duty to refer to the great loss which Indians, and especially the Muhammadan community in India, have sustained in the death of the Right Honourable Mr. Ameer Ali, P.C. A great son of India has verily passed away in his death and the Moslem community in India has lost in him a trusted guide and a leader of striking personality, outstanding character and conspicuous ability. As you all know this illustrious countryman of ours rose step by step on the ladder of fame making his mark in whatever capacity he was called upon to serve. A man of brilliant intellect and broad sympathies he always used unsparingly the many good qualities of his head and heart for the uplift of his motherland and of the community of which he was undoubtedly an ornament. He was a member of this Council and also of the Imperial Legislative Council in the eighties, when most of us were babies or still going to school. He also served with great distinction as a Judge of the Calcutta High Court. He had time during his busy and fully occupied life to write several valuable books of reference on Islamic law of which subject he was an undisputed master. In the field of literature his "Life of the Prophet" and "The Spirit of Islam" have covered his name with imperishable glory and undying fame. In recognition of his learning and valuable services he was appointed a Privy Councillor in 1909. He died respected and loved at the ripe old age of 79 years. Throughout his long and eventful life he was conspicuous not only for his masculine intellect, but also for his robust optimism, magnetic temperament and catholic spirit, which left no room in his heart for prejudice or narrow bigotry. Our hearts naturally go out in sympathy to his bereaved relatives in their irreparable loss. I would ask you gentlemen kindly to rise in your places as a mark of respect to his memory.

(The members then rose in their seats.)

Thank you, gentlemen—I direct the Secretary to convey a message of condolence to the relatives of the deceased on behalf of the Council.

Modification in the arrangement of Government Business.

Mr. PRESIDENT: In consequence of the very large number of amendments to clauses of the Bengal Tenancy (Amendment) Bill of which notice has been given, it has been found impossible to revise, arrange, and print them in time for the use of members on 7th or 8th August when the Bill comes up for discussion. His Excellency has therefore made a slight modification in the arrangement of Government business. The Tenancy Bill will be introduced on 7th August in accordance with the programme of which members have already had notice, and the motion to take into consideration, together with amendments to that motion, will be proceeded with. If the motion to take the Bill into consideration is passed by the Council, the discussion of the clauses of the Bill, and amendments thereto, will commence on Monday, 13th August. His Excellency has authorized the taking up of the Government Bills not dealt with on the 3rd August and the non-official business previously fixed for the 11th and 18th August upon the days next following that on which the discussion of the consideration motion on the Bengal Tenancy Bill is concluded, that is to say, if the discussion concludes on 7th August, outstanding Government Bills will be taken up on the 8th, and thereafter two days will be given to non-official business, to be followed by an adjournment to 13th August.

NON-OFFICIAL BUSINESS

Non-official Members' Bills.

The Bengal Village Self-Government (Amendment) Bill, 1927.

Rai HARENDRANATH CHAUDHURI: I beg to move under proviso to standing Order 6 (2) that the Bengal Village Self-Government (Amendment) Bill, 1927, be continued.

The motion was put and agreed to.

Rai HARENDRANATH CHAUDHURI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1927, be taken into consideration.

In moving this motion I do not think I should make a long speech. The object with which this short amending Bill has been introduced has been stated briefly in the Statement of Objects and Reasons. The object is to confer a measure of real self-government on the Union Boards. As has been stated in the Statement of Objects and Reasons the Union Board has got to finance the village police; it has got to raise money by taxation to provide for the maintenance of the village watch. But although they pay the piper they have no right to call the tune. Under the present Village Self-Government Act (Act V of 1919) the Union Boards have not got the power to appoint or dismiss chaukidars nor have they the power to determine their salary or the number of chaukidars to be employed in unions or even the nature and cost of their equipments. In the matter of appointment they have only the right to nominate, but if the District Magistrates do not approve of the nomination then in fact they have got absolutely no right as I have said before, even in connection with the appointment of chaukidars or in the matter of their dismissal not to speak of the determination of the salary of the number or of the equipment of the village chaukidars. Under the present Village Self-Government Act of 1919 all these powers are vested in the District Magistrate. The District Magistrate has the final say even in the matter of appointments of the chaukidars. He has got the right to dismiss them also. It is only he who can determine the number of chaukidars and dafadars to be employed in the Union Boards or their salary or the nature and cost of their equipment. Therefore so far as village watch is concerned, i.e., so far as their appointment, their dismissal and determination of their salary, their number and equipment is concerned, the Village Self-Government Act does not confer any rights at all on the Union Boards. In that respect the Bengal Village Self-Government Act may well be termed a misnomer. It confers no village self-government at all. But that was not the position before 1892. Even in 1870, Sir, the panchayats had the power to appoint chaukidars. They had the power to dismiss the chaukidars subject to the approval of the District Magistrate. They could also determine what their salary and number should be. Those powers were enjoyed by the panchayats under the Act of 1870. For 22 years they enjoyed those powers. It was only by the retrograde measure of 1892 (Act I of 1892) that those powers were taken away. Up till 1892 the panchayats had the powers of appointing and dismissing chaukidars as well as the power of determining their salary, etc. It was, I repeat, only by the Act of 1892 those powers were taken away. What I propose therefore in my Bill is to go back to the position before 1892, that is, to confer those old powers enjoyed by the panchayats on the Union Boards—those powers, mind you, which were enjoyed by the panchayats under the Act of 1870, that is before 1892. I can not think, Sir, that in the year 1928 it can be contended by anybody with any show of reason that

these powers which the panchayats enjoyed in 1870 should not be given to the Union Boards now.

An objection was raised to this Bill on the score that if you at all want to confer these powers on the Union Boards you should wait for a comprehensive amendment of Act V of 1919. It was urged on the Government side and by those who supported the Government on a previous occasion that piecemeal legislation on such a subject should not be undertaken. But such arguments can only be advanced in complete ignorance of the fact that the Government themselves in 1892 undertook piecemeal legislation and deprived the panchayats of those powers which they enjoyed under the Act of 1870. Act I of 1892 was not a comprehensive legislation—it was a piecemeal legislation—and it was undertaken by the Government just to deprive the panchayats of the powers mentioned above. If in 1892 Government could bring in a piecemeal legislation I cannot understand the cogency of the arguments against such a short amending Bill. Then in 1922 also the corresponding section of 1870 as amended by the Act of 1892 which related to the salaries of village chaukidars was also amended. In 1922 Sir Hugh Stephenson brought forward a Bill and that Bill was passed by the Council as Act VIII of 1922. By that Act section 12 of the Village Chaukidari Act was so amended that the salary of chaukidars appointed for any village was to be determined by the panchayats subject to the approval of the District Magistrates because that was the scheme of the Act of 1892. In 1923 another Act was passed relating to the panchayat's powers to determine the number of chaukidars to be appointed for a village the very sections which I propose to amend by this Bill correspond to those sections of Act VI of 1870 that were amended at the instance of the Government in 1892 and were also amended in 1922 and 1923. Therefore the argument based on piecemeal legislation cannot hold good simply because piecemeal legislation has more than once been undertaken in this respect. At any rate Government cannot raise the objection when Government themselves have been bringing forward piecemeal legislation since 1892 on the subject.

As regards the provisions of the Bill, the Bill as it now stands, is a Bill which I may say was almost passed by this Council on a previous occasion. On a previous occasion, i.e., in 1926, a similar Bill was introduced by me in this Council. The Council considered that Bill clause by clause and amendment after amendment was carried in the Council. After all the amendments were carried and the Bill was taken fully into consideration by the Council, that is, after the second reading was passed, only in the third reading the Bill was defeated by a majority of one vote only. So far as the provisions of this Bill are concerned, therefore, they are those very provisions which were settled by this Council in 1926 and therefore I do

not think there is any reason at all to go through all the formalities of circulation and reference to select committee. I submit, regard being had to the fact that the provisions of this Bill were on a previous occasion settled by this Council, this Bill should be passed without going through further formalities and that this Bill should be taken immediately into consideration by this Council. With these words I beg to move my motion.

The following motion was called but not moved:—

Mr. A. K. FAZL-UL HUQ to move, by way of amendment to motion of Rai Harendranath Chaudhuri, that the Bill be circulated for the purpose of eliciting opinion thereon, before the 30th November, 1928.

Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment to motion of Rai Harendranath Chaudhuri, that the Bill be circulated for the purpose of eliciting opinion thereon before the 1st November, 1928.

Rai Harendranath Chaudhuri has given us an interesting and ancient history about the control and appointment of the chaukidars. In his speech he has attempted to show that there were legislations on different occasions and that they were not altogether free from conflict. So far as the underlying principle of the Bill is concerned, I have got no dispute with him. I gave notice of this motion with a view to ascertaining popular opinion, the opinion of the District Magistrates and opinion of other persons who are directly interested in the management of the village police and control of the Union Boards. Very likely the Bill which has been introduced by Rai Harendranath Chaudhuri will be accepted by this Council in its third reading, as he hopes it will be, but as a similar Bill was once rejected by this House it is only fair that it should be circulated for eliciting public opinion. The Government has got a statutory duty as regards the maintenance of watch and ward in the villages and as that duty is proposed to be shifted from the Government to the village Union Boards, I think the Government and those who are directly concerned in the management of these Union Boards should have their say before we make any change in the Act. With these words I beg to move my amendment.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: In the Statement of Objects and Reasons the member in charge of this Bill remarks that "it is widely felt that the Union Boards, if they are to be real institutions of local self-government, should have full control over their servants." I wonder whether he has noticed section 36 of the Village Self-Government Act under which the approval of the Local Board is required to the appointment of officers and servants other than dafadars and chaukidars by the Union Boards and to the salaries to be paid to such staff. He does not propose to amend that

section. Apparently, therefore, his object is not to free Union Boards from trammels that curtail their independence, but to undermine the authority of the District Magistrates.

His proposal is, in effect, to do away with all control by Government agency over Union Boards' activities in regard to dafadars and chaukidars. In so far as dafadars and chaukidars act as orderlies and messengers to Union Boards, there is no serious objection to their employing such men, in such number, and on such pay as they like. But it has to be remembered that dafadars and chaukidars have other important duties besides those which they discharge as Union Board orderlies. In many districts the dafadar serves criminal and revenue processes but gets special remuneration from Government. Most important, however, in this connection are their duties in connection with the preservation of the peace. In so far as dafadars and chaukidars constitute a police force—an integral and necessry part of the police force of the district—Government cannot agree to the removal of official control.

I should like to know if Rai Harendranath Chaudhuri can cite the instance of a single civilised country in which a police force is under the unfettered control of a local authority. If so, I shall be glad if he will mention any precedent for his proposals in the civilized world. The researches of the Local Self-Government Department have not discovered a single country in which a local body exercises complete and uncontrolled authority over the police force employed in its jurisdiction.

3-30 p.m.

There are many countries in which rural self-governing bodies have no concern whatsover with the police. Among those are Japan, Italy, the Australian Commonwealth and the Irish Fee State—countries differing widely in many respects but all more or less progressive and enlightened. There are other lands in which control over the rural police is divided between the local authorities and Government officials. Take, as instances of democratic countries in Western Europe—France and Denmark. In France, the members of the rural police force are nominated by the Mayor of the Commune who may be compared to the President of a Union Board, but the appointments are subject to the approval of the Prefect (corresponding to the District Magistrate) or the Sub-Prefect (who may be compared to a Subdivisional Officer). In Denmark, the country councils (corresponding to our District Boards) are responsible for the maintenance of police-stations. But parish constables or, as we should say village chaukidars, are appointed by the Sheriff, a salaried Government official corresponding to the District Magistrate.

In England the rural police are controlled by "standing joint committees" consisting of a number of justices appointed by the Court of Quarter Sessions and an equal number of members of the County Council. The Home Secretary's consent or approval is necessary for fixing or altering the number of men and officers, for establishing rules for the government and duties of the police force and for fixing the scales of pay and allowances—the cost is shared between the local authority and the State—payment of the Government grant being conditional on the maintenance of an efficient police force.

In the rural areas of Bengal too, the present system is like the British one—a system of divided control and of divided financial responsibility. Government provide a superior staff of regular police, entirely at the cost of the general tax-payer. This regular force is supplemented by village police partly controlled by the Union Boards and paid for wholly out of the proceeds of local taxation. There must, as in other countries, be some official control over the village police—otherwise Government cannot be responsible for the peace and good order of the rural areas. It is true that such control must be tactfully exercised in such a way as to meet the wishes of the Union Boards to the fullest possible extent and to uphold their self-respect as self-governing authorities. This object has been secured by the Act which provides for nomination of dafadars and chaukidars by the Union Board in the first instance and by consultation with the Union Board before the number of dafadars and chaukidars, their salaries and the nature and the cost of their equipment are fixed. Government have supplemented these provisions by executive orders with a view to securing that the wishes of Union Boards will be met as far as possible.

Nevertheless, the fact remains that some control by the District Magistrate is an essential safeguard if Government are to remain responsible for law and order in rural areas. An allusion has been made to the old system whereby chaukidars were appointed by village panchayats. That system was found unsatisfactory and had to be abolished. But in any case, it must be remembered that the panchayats were removable by the District Magistrate and this was a safeguard against abuse of power on their part.

At present there is a complete system whereby the regular police and the village police co-operate for the prevention and detection of crime. If the control of the District Magistrate over dafadars and chaukidars is removed that system may break down at any time and in any place. It is true that the Bill makes one small concession by allowing the District Magistrate to dismiss a chaukidar for default in his police duties, but that is an illusory safeguard. The Bill leaves the Union Board free to re-appoint the dismissed chaukidar or to omit to fill his place at all. Even as regards the clothing of the village

police there must be some control. Uniformity in dress and equipment is necessary and chaukidars must be recognizable as such. In Great Britain, the rural police are primarily the servants of local authorities, yet they wear the same uniform everywhere and can be at once recognised. To reduce the cost of equipment as far as possible cross-belts as an item of chaukidari uniform have recently been abolished.

If this Bill goes through, a situation may arise in which the numbers and quality of the village police will have so declined that there will be no means of guaranteeing to the villagers the minimum of security which is requisite in a civilized state. It will then be necessary largely to increase the strength of the regular police force. The cost of this increase will fall on the tax-payers, and they will have to bear a large heavier burden than they have to do under the present system.

I have every sympathy with any proposal that is intended to uphold the dignity of Union Boards and to maintain their self-respect, but I cannot agree to a Bill which may have such serious consequences. It remains for me to say a few words about different motions that have been brought forward in regard to this Bill. Government will support the motion for circulation. It is possible that when opinions on the Bill are collected, some one may suggest means of giving effect to the idea underlying the Statement of Objects and Reasons without involving disastrous results. It is very doubtful if the dafadars and chaukidars themselves would approve of this Bill which places them entirely under the control of the Union Board. In one district at least, the rural police have formed an association and this association ought to be consulted. Similarly, on the ground that the Bill is not urgent and should not be rushed through the Council, Government will support reference to a Select Committee.

Now, Sir, I have heard the very interesting speech of my friend, the mover. I might, however, give you a warning. If, as a result of the passing of this Bill, the chaukidars are taken out of the control of the District Magistrate and any riot or anything of the sort occurs, then you, people, will be responsible for it. With these few words, I beg to oppose the motion.

Babu BEJOY KRISHNA BOSE: When speeches are written out for the Hon'ble Minister it is expected that he should be able at least to read them out in such a manner as to enable members to hear him and to take part in the discussion. Not having been able to catch the words of that essay which was written out for him, I am not in a position, Sir, to criticise his speech. He was speaking of Denmark, France and other European countries which he has never seen, except on the wall map, and even of Asiatic countries whose culture, tradition and growth he is profoundly ignorant of. In the last line of his speech which

is extempore and which he did not read out he said that if chaukidars and dafadars are appointed by the Union Boards then in the case of a riot, not the District Magistrate, but "you people will be responsible." I have heard that remark with great surprise—as if the District Magistrate and other European officers who have come here have a greater stake in the country than we the people of the villages—who would foment riots, who would encourage the taking away of property and the killing of each other, as if we have no stake, no responsibility. May I take the implication to be that hitherto the Government had held District Magistrates responsible for riots within their jurisdictions. If a so called responsible Minister can talk in such an irresponsible manner I have very little to say. The Bill aims at only this: that the appointment of dafadars and chaukidars would rest with the Union Boards, but with regard to dismissal, the Union Board would dismiss them and the District Magistrate would also dismiss them after considering the opinion of the Union Board. Such a modest demand is opposed by the Hon'ble Minister on the ground that there would be riots and all that, and that the dafadars and chaukidars would be worthless men if they were appointed by the irresponsible Union Boards. If Government think that Union Boards are so irresponsible, rather do away with these Union Boards. We know that Union Boards are not irresponsible, but we know that the Union Boards are made useless by your Circle Officers. It is the Circle Officer's nominees who find a place in the Union Boards. Even, under the Act as it stands, only these people, who are the nominees of Circle Officers, would appoint dafadars and chaukidars. You do not know what mischief these Circle Officers do in the villages. You do not know how they take part in all the village intrigues and they foment discord among parties. The Circle Officer being the right hand of the Subdivisional Officer—I know it as a fact—poison the ears of the Subdivisional Officer. Nowadays when the Subdivisional Officers go out on tour they go out accompanied by the Circle Officers. They draw even travelling allowance when they travel in the motor cars of the Subdivisional Officers. That is how things are done and managed. The Circle Officers are kept at the headquarters stations for years and years together and the rules of transfer are lax about them. In such a situation as this if power is sought to be given to Union Boards in the matter of appointment of chaukidars and dafadars without the intervention of the District Magistrates, well, I fail to understand how Government can object to it.

With regard to the motion of my gallant friend, Mr. Bijoy Prasad Singh Roy, I do not think there is any substance in it and he moved it in a very half-hearted way. This matter was discussed in this Council threadbare, clause by clause, public opinion was elicited upon it and it was lost only by one vote at the third reading. No benefit will accrue from circulating this Bill again. It is a very modest Bill and I hope the House will pass it.

Babu AKHIL CHANDRA DATTA: Sir, the Hon'ble Minister has concluded his speech with something like a threat. He told us that we people would be responsible for any disaster that might happen to India if the power of appointing dafadars and chaukidars were taken away from the hands of the District Magistrates. This betrays a colossal ignorance of the subject on which he was speaking. However, for his edification may I tell him what the District Magistrates, what the Divisional Commissioners, and what the provincial Governors have thought and spoken on this question of appointment of dafadars and chaukidars for over half a century? The amendment proposed is an amendment of the legislation of 1919. I myself was a party to that legislation—of course a dissenting party. This is what I said on that occasion:—

"Much misconception and controversy will disappear if you hold steadfastly to that principle. The initial question is—what is the object of this institution? Institution means the municipal institution of dafadars and chaukidars. What is their real function? Whose servants are they? Are they the servants of the villagers or of the regular police? What is their position with respect to the villagers on one side and the regular police on the other?

These questions, though very important, are not of first impression. In fact, they are almost as old as the British Empire in India. [I think this is quite new to the Hon'ble Minister.] I therefore propose to review the history of the village police system in this country, for I believe that this study will help us in all the controversies which have now clustered round the important question of village police.

3-45 p.m.

Originally, the village police were subject to the control of the zemindars. But in 1793, the village watchmen were (by section 13 of Regulation XXII of that year) declared subject to the orders of the newly appointed darogas and became practically the servants of the regular police. But the system did not work well, and a committee was appointed to consider the question of the reform of the village police. The very important and interesting question arose whether the village police was a municipal institution or the lowest rung of the ladder of the regular police. The principle that the village watch is a municipal institution was definitely adopted after much controversy, and the result was the Chaukidari Act, 1870. This Act was based on the principle that the chaukidar was purely a village servant. The appointment, punishment, and dismissal of the chaukidars were placed in the hands of the panchayats. In fact, this Act was framed in a spirit of entire trust in the village community. But although the municipal character of the rural police was recognised as a matter of theory, the attempt to develop a sound system of village police was marred by certain unsuitable provisions of the law—provisions which were not in

keeping with the underlying principle of the Act. But what is more regrettable, a fair trial was not given to the system inaugurated by Bengal Act VI of 1870. It was not worked with anything like enthusiasm by the district officers. The Police Commission of 1902-03 attributed the failure of the panchayat system to this lack of interest. There was not only indifference and apathy, but positive antipathy. In 1881, Mr. Munro, C.B. (then Inspector-General of Police), suggested the appointment of a commission to reconsider the whole question of village police. The recommendation of this commission, submitted in 1883, led to certain amendments of the law and finally to the passing of Bengal Act I of 1892. This Act reversed the principle underlying its predecessor that the control of the village police was to rest with the villagers. The keynote of this retrograde legislation is to be found in the words of the member in charge who remarked 'the inhabitants of a village have no claim to a municipal administration in any respect, still less have they any claim to control the police.'

The power of appointing the chaukidars, punishing them, determining their number and fixing their salary was transferred from the panchayat to the District Magistrate who invariably delegated these powers to the Superintendent of Police. This was reaction with vengeance and the result was that the chaukidar again became a servant of the police. Ten years after (I would draw the attention of the Hon'ble Minister to this), ten years after the question came up again before the Police Commission who strongly condemned the tendency to departmentalize the rural police. They re-affirmed the old municipal theory that the village watchman ought of be a village servant, subordinate to the members of the village council and not to the regular police. The Commission observed:—

'The Commission desire to emphasise their conviction that the village police ought not to be separated from the village organisation and placed under the regular police. They desire to see, not a body of low-paid stipendiaries or subordinate police scattered over the country, but the utilisation of the village agency itself. The village is the unit of administration. Improved administration lies in teaching the village communities to take an active interest in their own affairs..... (These are not my observations: these are taken from the report of the Commission). The Commission consider it to be of vital importance to emphasise the responsibility of the village headmen, and to hold the village officer responsible rather as the subordinate of the village headman and his servant for the performance of public functions. To place the village police officer under the control of the station-house officer (as the Hon'ble Minister proposes to do) would be to subvert the system in its essential principle and often to place the dregs of the people over the respectable classes. The village watchman would become the menial servant of the police and probably become unscrupulous in his methods. He would

work apart from, and often against, the village headman. The Commission also remarked that the system introduced by Bengal Act I of 1892 was certainly not a system of village police as generally understood. It is more of the nature of a low-paid regular constabulary.'

They condemned the transfer of control over the chaukidars from the panchayats to the District Magistrate as a most serious defect of the system. These principles were accepted by the Government of India without any reservation in paragraph 9 of resolution No. 248-259, dated 21st March, 1905, on the Commission's report. The Government of Bengal as well as the late Government of Eastern Bengal and Assam also expressed their entire concurrence with the views of the Commission. They were adopted by the other provinces also.

The recommendations of the Police Commission were not absolutely fruitless. For in 1904, Mr. Savage was placed on special duty and introduced the president system which sought to free the panchayats from police influence and emphasised the essential character of the chaukidar as a village servant. But the advance really made was more illusory than real; for we find that although the chaukidars were required to parade before the president at stated intervals, the regular parades at the thana were not dispensed with. Even this slight advance was resented by the police. What is more regrettable is that a hue and cry was raised against this modicum of reform in more responsible quarters. For the next few years the annual reports on the working of the police in Bengal emphasised the injurious effects of the president system on police administration, and we are told that the influence of police in the villages was seriously weakened....."

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir. May I suggest that all this might come up for discussion when the Bill is under discussion. It is not under discussion now. The question now is that the Bill be circulated for eliciting public opinion.

Mr. PRESIDENT: It may not be so; but, it is not in order for Mr. Datta to read lengthy extracts from a printed book. I think I should prevent such an infliction on the House. Mr. Datta should have summarised and referred to such matters in the book only as are really important and relevant.

Babu AKHIL CHANDRA DATTA: Sir, I appreciate your remarks, and it was never my intention to make any speech. There was some provocation from some quarters and I wanted to remove the colossal ignorance of the Hon'ble Minister. He said that the Bill would take away the power of the District Magistrate. I want to show that fifty years before it was the considered opinion, the final verdict, of most of

the responsible officials—not non-officials—that chaukidars and dafadars should be entirely under the control of the village authorities. I thought that it would be better to read extracts from my speech of 1919, which gives a most exhaustive history of the question. I only invite the Hon'ble Minister to go through the whole history of the question, and then he will find the absurdity of his observations.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: Sir, the principle of the Bill is very simple—whether we shall have real self-government in the Union Boards. The only point dealt with in the Bill is whether the Union Boards should have real control over the rural police or whether they would remain under the control of the District Magistrates or the executives under them. It is a well-known fact that the District Magistrates draw their inspirations in these matters from their Circle Officers and how the people or the members of the Union Boards resent the interference of these officers. So if we really desire a step forward towards self-government in these public bodies, we should unhesitatingly accept the principle of the Bill.

I do not understand why the Bill should be circulated again for public opinion. I hope there is no reactionary in the country who will oppose the principle of the Bill.

The control of the rural police, or this identical subject, was debated at full length some years ago in this Council and the illuminating speeches of Rai Harendranath Chaudhuri and Mr. Birendra Nath Sasmal gave a lucid history and exposition of the rural police from the earliest time down to the present time.

Apart from the extension of self-government in villages Haren Babu simply wants to revert to the old system which was more congenial to the country and is even suited to the present time.

If the salaries of the rural police are paid out of the taxes levied on the people, I do not understand why their representatives should not have real control over them. If the members of the Union Board cannot remove or appoint them, the voice of this public body becomes merely recommendatory having no real power which is essential for the proper administration of the Board.

One of the objections which the opponents of the Union Boards advance against their further extension is the control of the rural police by the executive. If this Bill is passed Government will gather greater strength. I fail to understand how the crimes will remain undetected or how there will be riots if the executive control is taken away. They would remain the same chaukidars and dafadars with self-same duties to be performed by them and how can they neglect their duty? If they suppress the crimes and do not perform their duty in connection with riots, the Union Board members would be the proper persons to know it direct and mete out proper punishments.

Maulvi ABUL KASEM: Sir, I am sorry I cannot find myself able to support my friend, the mover of this motion. I believe we are talking outside the issue. The fact remains that chaukidars and dafadars are appointed by Union Boards, subject to the approval and sanction of the District Magistrate. Sir, when this Bill was passed into law, the Right Hon'ble Lord Ronaldshay, who occupied the august chair which you now occupy, remarked that although the people were building up constitutions, the Bengal Legislative Council had laid the foundation of self-government by passing the Village Self-Government Act. Sir, we in the Select Committee considered—and considered very carefully—the question with whom the appointment of chaukidars and dafadars should rest, and I feel myself in duty bound to say, as a member of that Select Committee, that we came definitely to the conclusion that although the initiative should rest with the Union Board, the final auhority should lie with the District Magistrate. The Village Self-Government Act has been working in this province for more or less 7 years, and I think it has not operated for a sufficiently long time to justify an extension of the powers of the Union Boards.

As regards the responsibility of Union Boards, Sir, in these days, under the Act, village benches and village courts have been created, and what is more, the presidents of the Union Boards are invested with some sort of judicial power, and they are also entrusted by Magistrates generally with inquiries into complaint cases. My objection is that if the entire authority—uncontrolled and unrestricted—is left with the Union Boards—we cannot deny it, we cannot shut our eyes to the fact that party factions, which are already in existence, will be aggravated. My friend, Mr. Bejoy Krishna Bose, has referred to village intrigues. And I submit that the appointment and dismissal of chaukidars and dafadars will be a bone of contention between the different parties, which will give rise to serious dislocation of work.

Then, Sir, it is argued why should the District Magistrate have the power to interfere? In 99 cases out of 100, the District Magistrate does not interfere.

Srijut BIJAY KUMAR CHATTERJEE: They always interfere.

Maulvi ABUL KASEM: I am speaking of my own experience and not that of Srijut Bijay Kumar Chatterjee. He is quite welcome to state his experience when his turn comes.

Then, Sir, a Union Board at a meeting may decide to appoint a man. His name is sent up through the Subdivisional Officer to the District Magistrate. And unless there is something very strong

against the appointment of the man, the District Magistrate does not *withhold his sanction. Further, there* are regular proceedings of the Union Boards about dismissing a chaukidar or a dafadar, and the proceedings are sent to the District Magistrate.

4 p.m.

I have been told by Government that if the appointment of chukidars goes away from the hands of the District Magistrate and if given over to Union Boards, Government will be unable to maintain law and order in the villages. I think, Sir, Government should be morally and politically held responsible for maintenance of law and order in this country, whether Union Boards have the right or not. Neither the police nor the Union Boards nor anybody else should be responsible for this. The police force is simply a punitive body, but this has nothing to do with the present question. The present question is simply this: whether we should entrust these powers uncontrolled with the District Magistrate. If, Sir, a chaukidar is wrongfully dismissed by reason of party faction in a Board and if that dismissal is supported by a majority of the Board will there be no final authority and nobody to whom he can appeal and protest?

There is another consideration to which our friends cannot shut their eyes, and this is that these chaukidars are made to do domestic service of the presidents of the Boards. I think nobody can deny that. It reflects great shame on them and on the prominent members of their party. I say, Sir, if you remove this control from the hands of District Magistrates corruption will follow.

One thing that I would wish to oppose, Sir, in this connection is that chaukidars and dafadars are kept in attendance in police-station rather improperly. The police have absolutely no business to do this and to send them to the thanas. Recently, Sir, there was a protest against the use that was made of chaukidars by police officers, namely, Sub-Inspectors, head constables, etc., to carry out their private business.

I am afraid I cannot support this motion which will withdraw the slight control that District Magistrates and Subdivisional Officers have over the appointment and dismissal of chaukidars. They are no doubt paid for by Union Boards, but the people may as well say that the salary of the Governor is also paid by them. That does not mean that the appointment and dismissal also should remain with the Board. As at present situated I strongly object to this attempt to withdraw these powers from District Magistrates. Village Self-Government is still in its earliest stage and it is neither a safe nor a sound policy to introduce this new principle and so I cannot support the Bill.

I have nothing to say either for or against Circle Officers because they do not come in at this point about the question of appointment but for purpose of political propaganda. On these grounds, Sir, I hope the motion will be rejected.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I think I owe it to myself to give expression to my views on the question which is now before the House as to the necessity or otherwise of the control now vested in the District Magistrate. As a bit of information I can tell the House that for sometime I was also the president of a Union Board and I have intimate connection with the District Board as being one of its executives and as such I looked into the working of Union Boards in our district. There are Union Boards throughout our district and I can say as a result of my experience that it is not yet time when we can do away with the control now vested in the District Magistrate.

Mr. JOGESH CHANDRA GUPTA: As the chaukidars do domestic service.

Khan Bahadur Maulvi AZIZUL HAQUE: I am quite prepared to answer my friend as to whether chaukidars do domestic service, or not but I say it is not done in my district. If my friend does not remain in Calcutta but goes a little bit into mufassal, leaves his motor car behind and gets into a bullock cart he will find the necessity of the control of district officials. The greatest difficulty is that we have got our ideas and inspirations from newspapers; we hear tales and interested talks from the atmosphere of Calcutta but if a little reality of life were felt by the gentleman who has interrupted me, he will find that under the village life as at present constituted some sort of control is necessary. I would have been very glad if my friend had come with a proposal that it is not necessary to have chaukidars at all. The question of justification or otherwise of retaining chaukidars as a village charge would seriously deserve our attention in future years. I think it is legitimate that they should have some sort of appellate control vested in the District Magistrate or some other body. I know of several cases in which chaukidars were dismissed simply because they were not able to attend to duties desired by the president of the Union Board. So far as the working of the present Act is concerned, District Magistrates interfere very little with the decision of Union Boards. I know and I have practical experience that whenever we have recommended the appointment or dismissal of chaukidars and dafadars it has always been sanctioned by the District Magistrate and I do not know of any case in which the District Magistrate has ordinarily interfered with the decision of a Union Board. It is all a question of the personnel of a Union Board and the District Magistrate. If a Union

Board is working well, the District Magistrate takes its resolution at its proper value. But there are also Union Boards and local bodies where party spirit is rampant in such a way that they occasionally require the interference of the District Magistrate. I know of many cases but I will mention the case of one particular Union Board whose name, however, I will not mention. The members of the Union Board do not desire that meetings should be held at the house of the president because the president happens to belong to a low caste. But there are other things which I do not like to bring to the notice of this House but I say that there are cases like that. Sir, in these circumstances, I do not think it is necessary or wise just now, at this early stage of the growth of these self-governing institutions to do away with the power of the District Magistrate. I think, if my friend will read the whole scheme of Village Self-Government he will at once realise that at some distant date it would be possible to do away with this power. At least a convention will grow up in which the District Magistrate will not go against the decision of a Union Board as a matter of course. But I think that is a matter of convention and not of legislation.

My friend Mr. Abul Kasem has said something about the duties which are now done by chaukidars for the police. In a district where Union Boards are now at work the attendance of a chaukidar before the Sub-Inspector of Police or the police-station has been however much minimised and if I remember aright they do so with a view to giving the police information relating to village crimes and other things of similar nature. I personally think that the District Magistrate as well as the Government are quite alive to the necessity of doing away with the attendance of chaukidars at police-stations and so far as I know now-a-days, chaukidars are required to go to police-stations only at intervals of a fortnight or a month and that not in batches as they did formerly. In this view I consider, Sir, It will not be desirable just now to withdraw the power of revision vested in the District Magistrate.

Babu AMARENDRA NATH GHOSE spoke in Bengali, the English translation of which is as follows:—

"Mr. President, Sir, I stand to support the Bill introduced by Rai Harendranath Chaudhuri. First of all I strongly object the impression of hon'ble member Maulvi Abul Kasem—who has many unreal personal experience—of which one is that the chaukidars are menial servants of the president of a Union Board. From what part of Bengal he has gathered this experience is known to him. It may be his own constituency where the people earn their bread by securing the post of a jury or a presidentship of an Union Board, but these things are unknown to the people of our districts. I see that the hon'ble

member has already left the chamber after speaking something which is far from truth. Mr. Abul Kasem has opposed the Bill. He admits that Judicial power is given to the members of the Union Boards: They can try the money suit valued Rs. 200, they can send a man to jail for 15 days, they can fine a man up to Rs. 25, but they are not competent enough to choose and appoint a chaukidar or a dafadar on Rs. 6 per month. It is pity to imagine that a member of an Union Board has no ability to choose a fit man for their chaukidar—I think the cow-boys of their houses are sufficient enough to perform this simple duty. The reason of the opposition of Mr. Abul Kasem may be due to his habit of helping the Government in every matter. I would not object about the necessity of taking approval of the Magistrate if he would personally see the matter. The approval of the Magistrate means the approval of a daroga. When we nominate a man for a chaukidar or a dafadar it is generally sent to the Circle Officer who again sends them to the thanadar for his opinion. If the daroga approves the nomination then it is approved by the Circle Officer or Subdivisional Officer and in case of darogas disapproval the nomination is disapproved by the Circle officer. This is the cause of my objection and this is the cause of this amendment.

Sir, where is the real disease? The real disease is the shameless pay of the chaukidar—Rs. 6 is paid to the chaukidar per month without food. Why they will work on such poor remuneration? They think that this poor remuneration is given to them to hear " sala " of a daroga. The president cannot compel a chaukidar to be dutiful until he can pay them proper pay. They do not regularly attend the parade. Now and then we fine them two annas or four annas for their absence. If an explanation is called for they say it is loss to come to parade. They say " If we work whole day as a day labourer we earn 12 annas and we are fined for absence 4 annas hence we gain at least 8 annas for the day: why should we come "? I suggest that the chaukidars should be reduced by half the number and their pay should be doubled. They should be sufficiently paid and made whole time servants. I am a president over 24 chaukidars and two dafadars, I cannot force them to work only for their ill payment. I, as a president of a Union Board, suggested to the then District Magistrate to permit me to reduce the number and pay them adequately. He admitted soundness of my suggestion but he could not allow me to do so. I don't know the reason. It might be that the police did not agree. For this reason I support the clause of empowering the Union Board to regulate the number.

I again strongly object to the unhappy expression of Maulvi Abul Kasem and advise him to seek election in a Union Board to acquire true experience about Union Boards before coming here on the next occasion.

4-15 p.m.

Srijut BIJAY KUMAR CHATTERJEE: I was really wondering whether Mr. Abul Kasem or Khan Bahadur Azizul Haque was speaking in the twentieth century or in any age before the birth of Christ. The instances which they cited inspired ridicule in us. They cannot corroborate their statements either by fact or by logic. I would draw the attention of this House to the statement I made the other day in which a Circle Officer with the help of a member of the Union Board ordered the chaukidar to change the death roll of a particular person from death due to starvation to death from some other disease. The whole villagers were against the action of the Circle Officer and if the chaukidar had been a servant of the villagers he could not have changed the death roll under the orders of the Circle Officer. Those who have the experience of the inner working of Union Boards know of many instances in which the Sub-Inspector, the Inspector of Police or the Circle Officer or the Subdivisional Officer interfere in the affairs of the village. I may draw the attention of the House to a statement of Maulvi Abul Kasem in which he said that he agreed with Mr. Ghose that the villagers often quarrel with each other. And so in the appointment of a chaukidar the villagers would not agree what Mr. Ghose stated in this Council was that the Circle Officers generally incite the villagers and induce them to quarrel with each other and in many cases they unnecessarily interfere with the independence of the villagers or the members of the Union Board. Another point to which I draw particular attention of the hon'ble members of this House is that the power of interference of the Magistrate in the matter of the appointment of village chaukidar is one of many reasons why in many districts the people do not agree to the establishment of Union Boards. Speaking of my district Bankura the people had not accepted the Union Board for this reason and the whole energy of the Circle Officers and the District Magistrate has been concentrated on the establishment of Union Boards. They have gone mad as it were and their only idea is to any how establish Union Boards in villages. They induce the people in this way—"well, you want self-government—this Union Board is the beginning of Swaraj," but the people laugh at them as if they do not know what is good for them and what is bad for them. We should keep the powers in the hands of the Magistrate because in some cases the villagers might quarrel. It is an absurd idea. If you want to give the villagers the power, if you want to train them they must at least have this power, that is to say, they should have power to appoint their own chaukidars. With these words I support the motion of my friend Rai Harendranath Chaudhuri.

CHIEF SECRETARY to the GOVERNMENT (Mr. W. S. Hopkyns): The speeches we have heard this afternoon show clearly enough

that there is good reason for circulating this Bill in order to obtain opinions upon it. We have heard on the one side from Khan Bahadur Azizul Haque that Magistrates do not interfere with the proper discretion of Union Boards and that from his own experience as President of a Union Board he can say that the recommendations of the Union Boards are usually accepted. We have heard on the other side extraordinary stories, which are far beyond the experience of myself and I should say of any other district officer, of Circle Officers conspiring to upset the management of Union Boards. This in itself, this difference in the accounts we have heard from the members of this House, members apparently with personal experience, justifies the amendment which has been proposed by Mr. Bijoy Prasad Singh Roy. Sir, I am not sure whether this is the right time for speaking on the merits of the clauses in the Bill?

Mr. PRESIDENT: It is.

Mr. W. S. HOPKYNS: I will not go into the history of chaukidari administration or village self-government administration in the past. I will ask the House to set politics aside for the moment and consider this question purely from the point of view of practical administration; for it is not a political question; it is a question of the smooth administration of the village police.

Now there are two sections in the Bill, one dealing with the appointment and dismissal of chaukidars and the other dealing with the number of dafadars and chaukidars to be employed in Unions. There is one point of importance to remember and that is under the first section the District Magistrate can delegate his powers and under the second section he cannot delegate his powers. Ordinarily, speaking from my own experience, the District Magistrate delegates his powers of appointment and dismissal to the Subdivisional Officer.

The next point that I would ask the House to consider is the nature of the functions of the chaukidar. Are those functions such that it is reasonable that the District Magistrate should have some authority over the village police? If the House will refer to section 23 of the Village Self-Government Act, they will find that most of the functions which are there assigned to chaukidars are functions with which the Magistrate and the police, and not the Union Boards, are concerned. I will not read them out, but will try to summarise them. The first function is that the chaukidar is to give information of any unnatural, suspicious or sudden death in the village; that information he is to give both to the president of the Union Board and also to the officer in charge of the police-station. That is a function with which both parties are concerned. After that we come to his powers of arrest. He may arrest various people for various offences,

also absconding convicts and so on. That is a matter which concerns the police and the Magistrate. He must do his best to prevent commission of certain offences specified in Schedule II. Next, he shall assist private persons in making such arrests as they may lawfully make and shall report such arrests to the officer in charge of a police-station. Then—and this is perhaps his most important function from the point of view on controlling crime—he is to observe and from time to time report to the police officer the movements of all bad characters within the union. Anyone who has experience of a district knows how far the criminal administration, the prevention of crime, depends upon the chaukidar's performing this compartively simple function. He has also to report arrivals of suspicious characters and report all births and deaths which have occurred within the Union. These are all functions with which the Magistrate and the police and not the Union Board are concerned. After that there are functions which he has to perform for the Union Board; he is to obey the orders of the Union Board with regard to keeping watch within the Union; he is to give immediate information of any encroachment on or obstruction to any road or water way, and he is to assist the person collecting union rates in making such collection. These three functions concern the Union Boards and not the District Magistrate. Another function is the serving of processes, and finally he is to carry out such other duties as may be prescribed by the law. I submit, Sir, that the law, as it stands, reasonably meets the requirements of the situation laid down in section 23 regarding the duties of the chaukidars and the dafadars. It gives the initiative in the matter of appointment to the Union Board—quite rightly, for the Union Board know the men in the village and can choose the proper persons. But it also requires that the District Magistrate, who is so intimately concerned in the performance of the chaukidars' village police duties shall have a voice in the appointments. The system works in this way—the Union Board sends the nomination to the Circle Officer, and then either it is approved by the Circle Officer, if the power is delegated to him, or he sends it on to the Subdivisional Magistrate; and as the Khan Bahadur Maulvi Azizul Haque said, in ninety-nine cases out of a hundred the nomination of the Union Board is confirmed.

To turn to the question of dismissal, under the present law the District Magistrate or the Union Board, with the sanction of the District Magistrate, may dismiss any dafadar or chaukidar. Here again I think from the consideration of the functions of the chaukidar you get the fact that it is desirable that both the parties should have a voice in the dismissal of these men. I admit that in the Bill, as presented, the District Magistrate would still have the power of dismissing a chaukidar for failure to carry out the duties prescribed under the section I have mentioned, but there remains the question of the power of dismissal by the Union Board. I ask the House

whether they really think it desirable, after what we have heard this afternoon about party feeling and quarrels and so on, that the Union Board should have an unrestricted power of dismissing a chaukidar. That, Sir, would be a power which is almost unknown in the administrative system of the Province. There is—I think I can say safely—no Government officer who can be dismissed without some other authority having the power to revise that order of dismissal. Now why should you deny that right of protection to the humble chaukidar?

Mr. RANJIT PAL CHOUDHURI: On a point of order, Sir. Is the dafadar or chaukidar a Government employee?

Mr. W. S. HOPKYNS: I agree that he is not a Government employee. He is a man who does public work for the Union Board and does public work for the Police and the Magistrate; whether he is a Government servant or not within the meaning of the Act I am not quite sure. I am told that he is a public servant but not a Government servant, but I submit that so far as his dismissal is concerned, it is desirable that somebody should be able to revise the action of the Union Board.

Turning to the other section, which has hardly been mentioned to-day, I feel a much stronger objection to the proposed section than I have to the other section, because it will enable—and I think it will naturally lead—the Union Board to upset the whole system of village police. The present section gives the power of deciding the number of dafadars and chaukidars to the District Magistrate. Now, the District Magistrate is controlled by rules. I remember in the old Chaukidari Manual it was laid down that there should not be more than one chaukidar for every hundred houses and that ordinarily the number should not exceed 120, and the District Magistrate used to proceed on those lines. I remember when Union Boards were introduced in the district of which I was in charge, and when it became necessary to increase the pay of the chaukidars, that the Subdivisional Officers and I went into the question of the number of dafadars and chaukidars, and we endeavoured to organise the Unions so that there should not be an excessive number of dafadars and that the chaukidars' beats should be neither too great nor too small. Under the section as proposed in the Bill it would be open to the Union Board to say "we will have one dafadar and no chaukidar"; and it would not be altogether an unreasonable thing for them to say so from their point of view, because, so far as the Union Board duties of the dafadars and chaukidars are concerned, it might quite reasonably be argued that one or two men would be sufficient to carry them out; but one or two men would not be sufficient to perform those village police duties which are also laid down for the dafadars and chaukidars. Supposing a few Union Boards in the district acted in

that way—supposing they were to say "we want the money that we are now collecting for the pay of the dafadars and chaukidars, we want this money for other more important purposes such as water-supply and maintenance of roads"—if that were done by one or two Union Boards it would be likely to spread, and you might very soon have a condition of things in the villages in which practically no village police would be left. From the point of view of crime and criminal administration you cannot do without the village police, and if that state of things were to come about, it would obviously be necessary for this Council to consider what substitute they should find for the village police. With these observations I leave the matter to the consideration of the House.

[At 4-40 p.m. the Council was adjourned and it re-assembled at 4-50 p.m.]

Babu SASI SEKHAR BASU: I find there is an amendment to have the Bill circulated for the purpose of eliciting opinion thereon. After what has fallen from the previous speakers I do not want to dilate on the Bill much. The only point I should like to deal with is that the Local Self-Government Act, if I am right in my assumption, has been enacted for the purpose of giving the people their right of self-government, and if Union Boards are meant to be self-governing bodies I think the motion of Rai Harendranath Chaudhuri cannot reasonably be opposed. I find section 37A of the Act gives the Union Boards power to levy rates for payment of salaries to the dafadars and chaukidars; of course they get the Government contribution. If that is so, is it not reasonable and just that the Union Boards should have the power to appoint and fix the number of dafadars and chaukidars, so that with frugality they may not have to levy an exhorbitant rate? There is one point to consider and that is whether it is not desirable in view of that section that the Union Boards should be given power to appoint dafadars and chaukidars and also to fix the number of dafadars and chaukidars. I do not think anything wrong will occur, as has been suggested by the Hon'ble Minister, that there will be riots and so forth. Nothing of the kind will occur. Further, I find if we give powers to the Union Boards to appoint dafadars and chaukidars, the power of dismissal rests with the District Magistrate as a whole. Even the amending Bill I find provides that the Union Boards may dismiss any dafadar or chaukidar and the District Magistrate may dismiss any dafadar or chaukidar who has failed to exercise the powers or to perform the duties referred to in section 23. Then there is a proviso that when making an order dismissing a dafadar or a chaukidar the District Magistrate shall consider the views of the Union Board and shall record his reasons in writing and so in a matter District Magistrate is invested with somewhat in the nature of appellate power.

If the District Magistrate rationally comes to the conclusion that the dafadars or chaukidars should be dismissed, I think there is nothing wrong in asking him to consider the views of the Union Board and to record his reasons in writing. If it is really intended that these Union Boards should develop as self-governing bodies and when preservation of peace is one of the items of the self-Government, I think this course may fairly be adopted.

5 p.m.

Why not hand over the power to them, so that they may appoint their own dafadars and chaukidars. But there is the salutary check with the District Magistrate under the Act. Probably there will be mistakes but these mistakes will guide them in their future conduct. They will be fully trained in the art of self-government. That is a thing which strikes me as most important and which induces me to support the amendment of my friend Rai Harendranath Chaudhuri. If the object of Government is that these union boards should be self-governing units, that object will be better achieved by giving this power to Union Boards. The objections which have been urged by the Hon'ble Minister and the last speaker do not deserve any serious consideration.

Khan Bahadur Maulvi EKRAMUL HUQ: Sir, I had the privilege of hearing both the sides and thus of seeing both the sides of the shield, though I cannot say that personally I have no experience of this matter myself. At the outset I may inform the House that I have my sympathies with the proposal that is made for giving more and more powers to my own people. It is only when persons are given powers that they can find out what responsibilities go with them.

Mr. Abul Kasem has pointed out the defects under which this system is working and that it may lead in some instances to some sorts of injustice to these chaukidars. He has told us that there are not instances when chaukidars have to work for the president panchayat and many persons besides. But, Sir, if a chaukidar has to be dismissed on account of non-service I am sure that that man will not have any sympathy from the District Magistrate also, because the reports will be given against him by the Circle Officer and the police for not doing their work. If a man who had the boldness to do no service for the president panchayat might also be bold enough to do no service for other persons and so he will have no sympathy anywhere.

My friend, Mr. Amarendra Nath Ghose has told us that there are no abuses whatsoever. I do not know if his inner-self was talking in the House, for the other day he gave us a sermon that we have two selves, the outer and the inner. He told us that there are no abuses,

I heartily wish it were so: To my mind, Sir, what is necessary is this that if possible we should err on the side of caution. Give these people power and also see that there are some restrictions imposed on that power, so that there are no chances of abuse. In this case, as has been pointed out by the Chief Secretary, the powers given to the District Magistrate are very nominal and it will be so to say in 999 cases, that these powers will not be exercised. Under the circumstances would it not be wise for us to wait when we know the difficulties under which these chaukidars will be for some time to come. Will it not be right, Sir, that we should wait for the time when the villagers who are in power in the Union Boards will have sense of fairness and justice enough not to sack anybody unless there is grave reason for that and I am sure that time will not be far in coming. I know that persons are preaching to the people in the country to be fair and just in their dealings. The powers that are being given to them by the formation of Union Boards are so great that if they are not just, if they are not wise, there may be abuses. I hope, Sir, that it won't take many years before these people, our own countrymen, will realise that it is always wise to be just; and it is by justice alone that the powers which they exercise will be rightly exercised and that I feel certain that this position will not be long to reach. Therefore, let us wait for a year or two more and again bring it before the Council when we have been given the full quota of reforms. We can then immediately do away with the restrictions and give unlimited powers to our own countrymen, knowing it full well that these powers will not be abused.

Babu SURENDRANATH BISWAS: Sir, from this Bill I find that the claim on behalf of the people as made by my friend Rai Harendranath Chaudhuri is a very modest one. The gist of his argument is that as the Union Boards will pay for the dafadars and chaukidars, the latter should be put under the control of the former: that is, the Union Boards should be the absolute master of their servants. Under the Act as it stands the real power is vested in the District Magistrate. This is not just. I think that the claim of the Union Boards that they should be the absolute masters of their servants is very simple and reasonable. At the same time I also appreciate the argument advanced on behalf of Government that the village police must be under the control of Government. I think there is some force in that argument. I therefore suggest that the Government may appoint the village police according to their needs. And the Union Boards should have the authority and power to appoint their own night watchmen and peons. In fact the chaukidar is doing two functions: he is acting as a part of the police administration, as well as he is acting as a night guard of village and a peon of the Union Board. So I wish there was an amendment to divide these two functions. As the two functions are controlled by two different authorities, there is always the chance of friction. I

believe my friend Rai Harendranath Chaudhuri realised the position. So he suggests that the chaukidars and dafadars should be dismissed both by the Union Boards and the District Magistrate. But it may so happen that a chaukidar may render good service as a servant of the Board, while he may not render good service as a policeman. So the Circle Officer or the District Magistrate may want that the man should be dismissed, while the Union Board may demand his retention. That is a position which will not be very conducive to the good administration of Union Boards. So I wish that there was an amendment for providing for two different sets of men for the two different functions. However, as there is no such amendment, I find my friend's Bill is some improvement on the existing state of things. Under the Village Self-Government Act as it stands the Union Boards have no control over chaukidars, who are in many respects their servants, but this Bill will confer some control on them. I therefore support this Bill.

Rai HARENDRANATH CHAUDHURI: Sir, the motion that is now before the House is that the Bill be circulated for the purpose of eliciting opinion. Sir John Seeley in his book "Expansion of England" has made an observation to the effect that the greatest harm of foreign rule is that the longer it lasts it undermines the confidence of the subjects in their own powers. Unless that be the case, I cannot understand how anybody can stand up and object to this amending Bill in the year 1928. The Bill, Sir, proposes to confer on the Union Boards the same powers as were enjoyed by the panchayets under the Act of 1870 and now my friend Mr. Bijoy Prasad Singh Roy stands up and requests the Council to send the Bill for circulation just to elicit public opinion thereon. If the rural people at least for the twenty-two years from 1870 to 1892, could enjoy these very powers, what is there to make my friend, Mr. Bijoy Prasad Singh Roy suppose that the people will be unwilling to have these powers in the year 1928? Moreover, Sir, this Bill was before the country in 1925-26 inasmuch as the provisions of this Bill were discussed and voted upon in this Council in the year 1926 and in my Bill I have not inserted any substantially new provision—any provision that is materially different from those approved by the Council in the year 1926. I think, therefore, Sir, there is no point in the motion for circulation of this Bill. The Hon'ble Minister in charge of the department, however, says that if this Bill be enacted, then the whole responsibility for police administration in rural areas will devolve upon the people. Sir, I have no idea that the people will be unwilling to shoulder the responsibility for village watch when they are clamouring for much higher things and responsibilities such as provincial autonomy and dominion status. Of course our "popular" Minister may think so, but the country certainly will disown his views.

Then, Sir, Mr. Abul Kasem stood up and said, well, the time has not yet come for conferring these powers on Union Boards, because there are party feelings and strifes in rural areas. How could then my friend, Mr. Abul Kasem, support the other day the motion of Sir Abd-ur-Rahim demanding dominion status for India? If the people of Bengal be quite unfit to discharge the responsibility for controlling the village watch, how can a representative of the people like Mr. Abul Kasem so anxious to appear before the Simon Commission, come forward and say the country is ripe for dominion status and self-government.

Then again, Sir, Mr. Hopkyns, in his maiden speech in this Council, tried to make a great point against this Bill. It was this—that the village chaukidars and dafadars had to perform dual functions—functions of police in some respect and also functions connected with a local and municipal organisation like the Union Board, and, therefore, if the Bill be enacted into law, the District Magistrate's power of control over the rural police will be altogether gone—it will vanish.

Mr. W. S. HOPKYNS: On a point of personal explanation, Sir, I did not say that the District Magistrate's power of control will entirely vanish.

Rai HARENDRANATH CHAUDHURI: Well, Sir, I remember what he said. He referred to section 23 of Act V of 1919—he cannot deny that; and referring to section 23 he pointed out that such and such were the duties to be performed by the village chaukidars and dafadars and remarked that if this Bill were passed into law, how could the District Magistrate effectively control the chaukidars and dafadars. That was his point. He referred to section 23, but absolutely forgot that my Bill does not propose to amend either section 23, or even that part of section 22 which empowers the District Magistrate to fine dafadars and chaukidars. Section 23 of Act V of 1919 details the powers and duties of chaukidars and dafadars. Section 22 says—any dafadar or chaukidar who is guilty of any wilful misconduct in his office, or neglect of his duty, such misconduct or neglect not being of so grave a character as in the opinion of the District Magistrate or the Union Board, as the case may be, to require his dismissal, shall be liable to be punished by the District Magistrate with fine not exceeding the amount of one month's salary or by the Union Board with fine not exceeding one quarter of a month's salary. Here are the powers which are conferred on the District Magistrate to control the village police in the discharge of their duties. What is contemplated in section 22 is that if the chaukidar or dafadar fails to perform his duties, the District Magistrate will be entitled to fine him. In my Bill I have not proposed to take away the power of the District Magistrate to fine a chaukidar or dafadar. On the contrary I have

proposed that the power of dismissal should be enjoyed both by the Union Board and the District Magistrate, they will have concurrent powers. So there is no ground of apprehension that my Bill proposes to divest the District Magistrate of all reasonable powers of control over the village police. That disposes of Mr. Hopkyns' argument and apprehension. Then Sir, there are others, like Khan Bahadur Azizul Haque, who said that the time is not yet come for such a Bill to be passed. That is an old stereotyped argument. If the time did come in 1870, if the auspicious time continued from 1870 to 1892 how could the time be not reached in 1928? It should be remembered, Sir, that the Act of 1870 was not an Act which was introduced by a non-official member, but was introduced by Mr. Rivers Thompson, who subsequently became the Lieutenant-Governor of the province as Sir Rivers Thompson. Section 11 of that Act provided that the panchayat shall determine the number of chaukidars to be employed in the village. This is exactly what I propose in my Bill. Section 12 of the Act of 1870 provided that the panchayat shall from time to time determine the pay and the monthly salaries of the chaukidars. This is exactly what is proposed in my Bill. Section 35 of the Act of 1870 provided that the panchayat shall appoint persons to be chaukidars. I have also provided for that in my Bill. That section further provided that the panchayat may from time to time dismiss the chaukidars with the sanction of the District Magistrate. The whole initiative in the matter of dismissal rested with the panchayat in 1870. In my Bill I have provided for this also. I have provided that Union Boards should have the power of dismissing chaukidars along with the District Magistrate, regard being had to the fact that the chaukidar is primarily a village servant. Now, Sir, if the time is not yet come to enact a Bill on the lines of what was enacted in 1870 at the instance of the Government, then the time will never come for us to enact such a law. But I cannot forget that Khan Bahadur Ekramul Huq also pleaded that the time had not yet come for passing such a law: he said let us wait for two or three years more. Why? because further reforms—full provincial autonomy—are in sight. His logic is that because we might get full provincial autonomy in two or three years' time, we must not insist on even village autonomy now. But, Sir, may I remind him of a recommendation that was made in the year 1918 by no less an authoritative body than the Simon Commission of to-day? The Montagu-Chelmsford Report at page 123 contains the following principle, enunciated by the authors of the report: "There should be so far as possible complete provincial control in local bodies, and the largest possible independence for them of outside control." After passing a Village Self-Government Act, after pushing onward the establishment of Union Board—even after that—will you come forward and say that the Union Boards should not be given the largest possible independence of outside control?"

Then, Sir, our Hon'ble Minister—our "popular" Minister—reminded us that the country would go to rack and ruin if this Bill were enacted into law. Why, because in France, Sweden, and some other countries—I do not remember the full list of the countries which he named—such a system does not prevail. I do not pretend to know what systems prevail in other countries, but this much I know that this system has been prevailing in this country from very ancient times. It was said not by a non-official member of this Council, but admitted by the Hon'ble Mr. Cotton, who brought forward the amending Act of 1892 that "the village watch of Bengal as of all India is one of the oldest institutions of the country connected with the village system itself, and the village watchman of ancient Hindu times is substantially the counterpart of the village watchman as he is recognised by existing legislation (by existing legislation he referred to the Act of 1870)." Now, Sir, what was the object of Act VI of 1870? He went on: "The object of Act VI of 1870 was to place the village watch everywhere under the control of the village organisation." The principle of the Bill, as stated by the Hon'ble Member, who introduced it, was this: "the village watchman is purely a village servant employed for the protection of the lives and property of the villagers, and looking to the village community for the regular payment of the remuneration to which he is entitled." That is, he is entirely a village servant. If so, why should he not be controlled by the very body which pays him—which maintains him?

Then, Sir, our popular Minister went further and said that because of the unsatisfactory nature of the village police the Act was amended in 1892. It was absolutely a misstatement. The Act of 1892 was passed not for that reason, but because the Government adopted a new principle in 1892. The Government thought that the village watch should be brought under their direct control. It was from the point of view of direct control—a political and imperialistic principle, I should say—that the Act of 1892 was enacted. No slur was cast on the village panchayat. On the other hand, the Police Committee of 1902-03 deplored that there should be so much departmentalisation of the village police. And because the Police Committee expressed that opinion that Mr. Savage was appointed on special duty, and Mr. Savage's recommendation was to strengthen the institution of panchayats. That was the result of Mr. Savage's enquiry and recommendation. The District Administration Committee also regretted that the village police was going to be more and more departmentalised. Even Mr. Hughes-Buller, the late Inspector-General of Police, had to admit that if the village police were to be departmentalised, then Government should pay for it, and that it should not be paid out of the village funds. But, now that they are paid out of the village funds, and self-governing institutions are going to be set up in rural areas,

they ought to be considered as primarily village servants, and they should be under the full control of the village authorities. I do not understand why the village authorities if they have to finance village police should not have the right to appoint, dismiss, and determine the salary, number and equipment of chaukidars and dafadars. No case has been made out against the proposals contained in the Bill.

5-30 p.m.

The Hon'ble Nawab MUSHARRUF HOSAIN Khan Bahadur: Much comment has been made by my friends on my right about the latter portion of my speech. If you want to deprive the District Magistrate of control over the chaukidars and dafadars you run a very serious risk, and I repeat it even now. My friends have been telling me repeatedly that the people pay for the piper and so they must have a hand in the appointment and dismissal of chaukidars. I say Sir, people have been paying all sorts of taxes; they are paying taxes out of which the District Magistrate also is paid his salary and it is right that they only should have the right to call for the tune. But the point at issue is whether they should assert that right. If you really want to have control over the country it is not by depriving the District Magistrate of whatever nationality he is, whether an Indian or a European, of his right over a certain portion of the village police. It is by gradually Indianising the service and by that alone that we can have control. It is quite immaterial who exercises the power of a District Magistrate If you say that District Magistrates will not have control over the village police force you will have to increase, as I have already said, the ordinary police force to such an extent and to spend so much money for their upkeep that the people will have to think a hundred times before they consent to do that. I tell you again that if you deprive the District Magistrate of his power of control, if the village police goes out of his control, Government will be bound to increase the police force, and add to the burden of taxation which is already sore on us. I would appeal to you to consider the position very seriously.

My friends on the other side have tried to make capital out of my last speech. I have given instances as to how a country which has got independence and is run by her own people deals with its village police. I have said that in France and in Holland, this village police force is appointed by the Prefect or District Magistrate; that is to say, in a country which is absolutely free District Magistrates are given the power of control over village police. My friends say if we do not know how to protect our own villages how can we clamour for dominion status. I have said, Sir, and I repeat again that even in the freest of countries, District Magistrates have been given power over the police.

Mr. JOGESH CHANDRA GUPTA: Are there District Magistrates in other countries?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: This question does not require any reply. There are District Magistrates even in free countries and District Magistrates must have powers over village police. They have still been exercising these powers and they have not been withdrawn from them.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1927, be circulated for the purpose of eliciting public opinion thereon, before the 1st November, 1928, was put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahmed, Khan Bahadur Maulvi Emadduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. G. R.
Rahman, Mr. A. F.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.
Wordsworth, Mr. W. C.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maiti, Babu Mahendra Nath.
Meitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Nem Chandra.

Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sarker, Rai Sahib Rebati Mohan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.
Suhrawardy, Mr. H. S.

The Ayes being 40 and the Noes 57, the motion was lost.

Mr. A. K. FAZL-UL HUQ: I move, by way of amendment to motion of Rai Harendranath Chaudhuri, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, K.T., C.I.E., Maulvi Nurul Huq Chaudhuri, Maulvi Syed Muhammad Afzal, Maulvi Khorshed Alam Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman Chaudhuri, Rai Sahib Rebati Mohan Sarkar, Rai Jadu Nath Mazumdar Bahadur C.I.E., and the member-in-charge, Rai Harendranath Chaudhuri, with instructions to submit their report for presentation to the Council at the next session and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

At the time when I sent in notice of this amendment the Hon'ble Sir P. C. Mitter was Minister in charge of the Local Self-Government Department, and that is the reason why I suggested his name but at the present moment not he but the Hon'ble Nawab Sahib is the Minister-in-charge. If it is permissible, Sir, I would move that in place of the Hon'ble Sir P. C. Mitter, the name of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, be substituted.....

5-45 p.m.

Mr. PRESIDENT: Yes, you are permitted to do that.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. Is he entitled to make a change in his own motion now?

Mr. PRESIDENT: Yes, I have allowed him to do that.

Mr. A. K. FAZL-UL HUQ: I do not propose to deliver any lengthy speech, because on the last motion there have been so many speeches that we cannot afford to have any more speeches on this motion. There are one or two matters which it is necessary to discuss before the Bill is finally taken into consideration. In the original Bill there is a provision that if the Union Board sends up a nomination, that will be accepted, provided the District Magistrate has no objection; but if the Union Board fails to make any nomination, the District Magistrate will fill up the vacancy. I do not find any provision of this kind in

the Bill. I do not wish to discuss the details of the Bill and the principle on which it is based, for they have been discussed already and it will be the business of the Select Committee, if the Bill is referred to them, to go through the details. I therefore formally move the amendment that stands in my name.

Rai HARENDRANATH CHAUDHURI: I oppose Mr. Fazl-ul Huq's motion to refer this Bill to the Select Committee. I am opposing it on a very simple ground. The provisions of this Bill I have repeatedly stated were settled on the floor of this House. This House made amendments in my original Bill and most of these provisions were settled by the whole House in 1926. Therefore, I do not think that opinion of any Select Committee which will certainly be a smaller body can have greater weight than the opinion of a whole House. Mr. Fazl-ul Huq has referred to certain apprehension. That apprehension proceeds from a deep-seated distrust of the Union Boards. He says that no provision has been made in the Bill as to what would be the case, if the Union Board fails to fill up a vacancy. There is enough provision in the Act to meet such emergency. Therefore, his apprehension is altogether groundless. He thinks that a Union Board will commit suicide and will not discharge its obvious statutory duties.....

Mr. A. K. FAZL-UL HUQ: I never suggested that.

Rai HARENDRANATH CHAUDHURI: He may not have suggested it in so many words but his statement is tantamount to that. I, therefore, oppose this motion to refer the Bill to the Select Committee. It must be decided once for all whether we are going to have full control through the Union Boards in the matter of village watch, whether we deserve to have full control over the village watch or not. Some may say that we do not deserve it. They are certainly entitled to their opinion, but we cannot see eye to eye with them. We think we are fit enough to discharge all those responsibilities; and much higher responsibilities as well, and we think Bengal thinks that no more time should be lost in giving effect to these humble proposals.

The Hon'ble Mr. W. D. R. PRENTICE: Rai Harendranath Chaudhuri was very particular in impressing upon the House that this Bill was the same as that previously considered by the Council. He has completely forgotten and intentionally forgotten to inform the House that it is not the Bill that was approved by the Select Committee of the Council and that the Council that considered that Bill was an entirely different Council from the present Council. For there has been a general election since then. These are points of considerable importance in discussing this matter, because some of the provisions that were cut out in the last Council after the Bill emerged from the Select Committee

covered the exact points on which Government must oppose this Bill. In the Bill that was approved by the Select Committee there was a proviso that if a Union Board failed to fill up a vacancy, the District Magistrate was allowed to do so. This Bill says nothing on the point. If the Union Boards choose not to appoint chaukidars, the village police go, with the result already explained by the Chief Secretary, Mr. Hopkyns. I want to make it perfectly clear that the Bill that Rai Harendranath Chaudhuri is now proposing is not one which was approved by a Select Committee of this Council, but was approved by a different Council which by narrow majorities persisted in cutting out the safeguarding provisos and clauses which had been inserted by the Select Committee of this House to which it was referred. Rai Harendranath Chaudhuri has made his position perfectly clear and I want the Council when voting on this amendment clearly to recognise what that position is. It is "we have made up our minds: we say Union Boards are fit to exercise these powers, we don't mind what the rest of the Council thinks, we insist upon an immediate decision in accordance with our wishes. Bas."

Rai HARENDRANATH CHAUDHURI: I rise to offer a personal explanation, Sir. I did not say that this House considered this Bill. I said that it was the Council of 1926 which considered it, and so Mr. Prentice absolutely misunderstood my position.

Mr. PRESIDENT: I think the Hon'ble Member's statement has got to be accepted.

The motion of Mr. A. K. Fazl-ul Huq was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Farequi, Khan Bahadur K. G. M.
Ferrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mukerji, Mr. S. C.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.

Ray, Babu Surendra Nath.
Raid, Mr. R. N.
Roy, Mr. Bijay Prasad Singh.
Sashee, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.
Wordeworth, Mr. W. C.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Acimuddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Ramee Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prametha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Saci Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejey Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Raikat, Mr. Prasanna Deb.
Rauf, Maulvi Syed Abdur.
Roy, Dr. Kumud Sankar.
Ray, Srijut Radha Gabinda.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sashindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

The Ayes being 46 and the Noes 50, the motion was lost.

6 p.m.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1927, be taken into consideration was then put and agreed to.

Mr. PRESIDENT: The year "1927" in the Bill should now read "1928."

The motion that the Bengal Village Self-Government (Amendment) Bill, 1928, as settled in Council, be passed was then put and agreed to.

The Calcutta University Bill, 1927.

Dr. PRAMATHANATH BANERJEA: I beg to move under proviso to Standing Order 6 (2) that the Calcutta University Bill, 1927, be continued.

The motion was put and agreed to.

Dr. PRAMATHANATH BANERJEA: I beg to move that the said Bill be referred to a Select Committee consisting of the Hon'ble Nawab

Musharruf Hosain, Khan Bahadur, Mr. A. J. Dash, Mr. H. E. Stapleton, Dr. Sir Deva Prosad Sarbadhikari, KT., C.I.E., C.B.E., Mr. S. C. Bose, Dr. Bidhan Chandra Roy, Rai Harendranath Chaudhuri, Babu Jitendralal Bannerjee, Mr. F. E. James, O.B.E., Mr. W. C. Wordsworth, Babu Bejoy Krishna Bose, Babu Manmatha Nath Roy, Babu Akhil Chandra Datta, Kazi Emdadul Hoque, Maulvi Abul Kasem, Mr. H. S. Suhrawardy, Babu Jogindra Chandra Chakravarti and myself, with instructions to submit their report on or before the 31st August, 1928, and that the number of members whose presence shall be necessary to constitute a quorum shall be seven.

Sir, during the December session of the Council I explained at some length the aims and objects of the Bill which I had the honour to move on that occasion. To-day I shall content myself with a few brief observations.

The present constitution of the Calcutta University is based on Lord Curzon's Act of 1904. That Act, as the Council is aware, was passed in the teeth of non-official opposition in the Legislative Council, and in spite of the strong and vehement protests of the people throughout the country. Nearly a quarter of a century has elapsed since that date, and during the intervening period great changes have taken place in educational ideas and ideals and considerable progress has been achieved in India in the field of higher education. In order to meet the needs of the present day, nearly a dozen universities have been established in different parts of the country and the constitutions of the older universities have undergone amendments in various respects. The Calcutta University is the only institution which is governed by an ancient and reactionary legislative measure. The public of Bengal have again and again demanded an amendment of the Act, and seven years ago a resolution was passed by this Legislative Council urging that the Senate of the Calcutta University should be placed on a mainly elective basis. But, unfortunately, nothing has been done as yet to give effect to this insistent demand.

Sir, if the extremely unsatisfactory position was not rendered intolerable, it was because, in spite of the defects of the Act, the University was for a long time served by eminent men who gave of their best to the work of the great institution and because the Government did not seek to interfere in its internal affairs. Sir Ashutosh Mukherji, Sir Deva Prosad Sarbadhikari, Sir Nilratan Sarkar, and Sir Ewart Greaves, as Vice-Chancellors, and a large number of distinguished gentlemen as Fellows were actuated by the highest ideals, and they held aloft the banner of the autonomy of the University.

But a change has come about in recent years. Sir Ewart Greaves, on the eve of his relinquishment of the burden which he had borne with such noble devotion and admirable courage, frankly told the Senate that the interference of the Government in the affairs of the

University was tending steadily to grow. After Sir Ewart's departure, the situation grew worse. About a year and half ago, a debate took place in this House when the administration of the Calcutta University was subjected to very severe criticism. Much as I deplored the occurrence of this debate I could not shut my eyes to the fact that it was itself the outcome of a greater evil. It was asserted in the course of this discussion that the University was being transformed into an annexe of the Bengal Secretariat. Mr. Wordsworth, "the most unadventurous of persons," as he described himself—a distinguished educationist, who had served the Government and the University for over 20 years—joined his voice to the warning given to the University that all was not well. He considered it undesirable that there should be any attempt privately to mass official information in the Senate. "Tactics" said Mr. Wordsworth, "are for some people a fascinating study. It might have suggested itself to someone that as there was an official bloc in this Council, there should be an official bloc at College Square. But there is no parallelism. In this Council the Government is the executive Government and is responsible for the policy and the bloc is a part of our constitution. At College Square the Government is not the executive, Government is not responsible for policy. Government has given entire control of policy to an independent body and an official bloc is entirely out of place. What I object to is the private massing of opinion—the attempt to make all Government officials of one voice. It has always been the assumption, it has always been the practice, that Government officials serving the University serve it freely only for the purpose of education. If the twenty or thirty Government officials who are members of the Senate speak with only one voice, if they vote under orders, if their opinions are shaped by command, then I say all should not go except one and others come in who by exchange of views and arguments, by agreement or divergence of opinion, can work for the good of the University." Wise words these, but they went unheeded No one can accuse Mr. Wordsworth of harbouring any ill-will towards constituted authority. He is a friend, perhaps a candid friend, of the Government and his observations should be regarded as a severe indictment of the system of administration which at present prevails in the University.

Now, what is wrong with the University? The main defect lies in its constitution. The Senate, the governing body of the University, consists of ten ex-officio and 100 ordinary Fellows. The list of ex-officio Fellows is to be found in the schedule to the Act of 1904. This schedule, I may observe in passing, may be added to or altered by the Government of Bengal; and as the result of a recent alteration, the Secretary to the Government in the Education Department and the Principal of the Presidency College now sit in the Senate as ex-officio Fellows. The ex-officio Fellows are all officers of Government. Of the 100 ordinary members, 80 are nominated by the Chancellor who is also the head of

the executive Government. I do not assert that all these nominated members are under Government influence. In the past, many independent men have been appointed Fellows. But what I do wish to emphasise is that when Government makes up its mind to rob the University of its freedom, it can easily gain its object by nominating "safe" persons as members of the Senate. Ten members are elected by the Faculties. But the Faculties may be so manipulated as to ensure the election of men under Government influence. The remaining ten members are elected by the registered graduates. But even these gentlemen do not fully represent the alumni of the University. The graduates of the University number, I believe, 15,000 at the present moment, of whom only 500 or 600 are registered. The smallness of this number is due to the restricting effect of the high fees payable for registration. A graduate wishing to have his name registered is obliged at present to pay an initial fee of Rs. 10. If he delays in having his name registered, he has to pay a fine of Rs. 10. Every registered graduate has to pay, besides, an annual fee of Rs. 10 to have his name continued on the register. The House will agree with me that the payment of Rs. 30 is prohibitive in the case of the bulk of the young men of the province.

It is thus clear that under the present system the Government has a preponderant voice in the administration of the University. The representation of the educated community is very inadequate, while the general public of Bengal is not represented at all. Nor is there any scope under the present system for the representation of professors and lecturers of colleges and of the University, and the only door of entry open to them is that of nomination.

6-15 p.m.

Now, I am sure the House will agree with me that such a narrow and hide-bound constitution cannot conduce to educational efficiency, nor can it foster a spirit of freedom and a breadth of outlook which are the most essential features of a true centre of learning.

My Bill seeks to remedy the most glaring defects of the constitution of the University. I shall not go into the details, but shall explain the main principles in as few words as possible. What I propose is that the elective element in the Senate should be largely increased. The Senate of the future should, in my opinion, consist of a hundred ordinary Fellows, 25 of whom should be elected by registered graduates, 15 by the Faculties, 15 by the professors and lecturers of the University, 5 by the teachers in high schools, 4 by the non-official members of this Council, and 6 by the municipalities and district boards of the province. This will leave 20 members to be nominated by the Chancellor. There will, besides, be a number of ex-officio Fellows, such as the Ministers, a few Government officials, and Principals of the most important colleges in Calcutta as well as in the mufassal.

The object of the second important proposal of the Bill is an extension of the franchise. I propose to reduce the registration fee to two rupees only. The acceptance of this provision by the Council will result in a very large expansion of the electorate, and will thus enable the bulk of the alumni to take an intelligent interest in the affairs of their alma mater.

I hope the Council will not consider my proposals as unreasonable. If we look at the constitutions of the newly-established Universities and of the amended constitutions of the other Universities we observe three main features in them: namely, first, the number of persons nominated by the Government is small; second, the professors and lecturers are either ex-officio members of governing bodies or are represented on them in sufficient strength; and third, the general public has a substantial voice in the control of higher education.

Members of the Council will recall the fact that at the instance of the Government this Bill was circulated for eliciting opinion thereon. Many important public bodies, such as the Universities, public associations, colleges, municipalities, district boards, as well as a large number of individuals, have expressed their views on the provisions of the Bill. It gives me very great pleasure to observe that there exists almost a consensus of opinion in favour of the main principles of the Bill. Public bodies, barring a few Government institutions, and individuals, almost without exception, have lent their support to the proposed measure. It is a matter of special satisfaction to me to find that the European Association (Calcutta Branch), a body which cannot be accused of any partiality towards me or my friend Mr. Roy, or of any bias against the Government, justifies the appearance of the Bill and urges that "they should go before a Select Committee. The Bengal Chamber of Commerce and the Anglo-Indian Association are not unfriendly to the proposal. Time will not permit my referring to the opinions of individuals, but I may quote the view of a very distinguished European educationists—the Rev. Mr. Brown, Principal of the Wesleyan Mission College, Bankura. He says that "the reconstitution of the Calcutta University, and, in particular, of the Senate, is an urgent necessity."

Before I conclude, I desire to make it clear that the provisions of the Bill as framed by me are not my last words on the subject. If the Bill is referred to a Select Committee, the details will be carefully threshed out, and I shall be prepared to accept any amendments which may be found to be reasonable and based on sound principles. I may add that the personnel of the Select Committee which I am proposing is a representative one. All sections of the House will thus have an opportunity of urging their points of view before the Select Committee, where, I have no doubt, due note will be taken of all suggestions that have been or will be made.

With these words, I commend my motion to the House. The provisions of the Bill are of great importance from the standpoint of the educational interests of the province. I, therefore, hope and trust that all members of the House will afford me their assistance in placing the higher education of the people of Bengal on a sound and satisfactory footing.

Sir, there is another point. May I be permitted to amend my motion to some extent so as to include the name of Dr. Jenkins, who has been appointed a Special Officer by Government, in the Select Committee?

Mr. PRESIDENT: I have no objection unless the House objects; but have you obtained his consent?

Dr. W. A. Jenkins signified his consent to serve on the Select Committee.

Maulvi NURUL HUQ CHAUDHURI: On a point of order, Sir. Is it permissible for the hon'ble member to amend his own motion at this stage?

Mr. PRESIDENT: Do you object to it?

Maulvi NURUL HUQ CHAUDHURI: Yes, I do.

Mr. PRESIDENT: In that case, I would treat Dr. Banerjea's proposal as an amendment without notice and put it to the vote first.

The motion that Dr. W. A. Jenkins be included in the Select Committee was put and agreed to.

Mr. A. K. FAZL-UL HUQ: Sir, I beg to move by way of amendment to the motion which has just been moved that the Bill be recirculated for opinion to all members of District Boards, Municipal Commissioners, Anjumans and other Moslem associations, all ex-members of the Bengal Legislative Council and Legislative Assembly before the next winter session of the Council.

Sir, it is extremely distressing that I have to rise in this Council time after time to plead for Moslem representation, but the dictates of duty leave me no other alternative. I cannot consent to occupy a silent seat in this Council when I find that in the drastic changes that are being proposed by my friend, Dr. Banerjea, there is a real danger of the Moslem element being practically eliminated from the Councils of the University, and of our community being debarred from participating in the control and growth of higher education in this country. My friend, Dr. Banerjea, may not have contemplated such a doleful contingency, but I am sure this will be the regrettable effect of the policy which his Bill represents. Sir, it is true that the Bill has been

circulated for public opinion, and I also admit that representative individuals and public associations have expressed their opinion on the provisions of this Bill, but, Sir, what pains me very much is thus: that distinguished graduates of the Calcutta University, gentlemen of the highest culture and erudition, should have practically forgotten, in the provisions which they have proposed to make for the reform of the University, the very legitimate claims of the Moslem community. I am making this statement deliberately and with a full sense of my responsibility, and I hope I shall be able to make it clear to this Council that this Bill, if it passes into law, will sound the death knell of higher education so far as the Moslems of this province are concerned. Sir, there has been a circulation of the Bill, but have my friends taken the trouble to circulate it to representative Moslem associations? Have they forgotten the Moslem Anjumans, the Moslem ex-members of the Legislative Council? Have they recognised the fact that up till now it has been the grievance of the Moslem community that so far as the Calcutta University is concerned, it has all along shut the door to Moslem representation, and to Moslems placing their legitimate grievances before the authorities who control higher education in the province? Have my friends thought over the fact that witness after witness went before the Sadler Commission and made it a grievance that the Calcutta University, however much useful it has been in inaugurating and getting into actual practice the growth of higher education in this country, have practically ignored the claims of the Moslem community? How many opinions from Moslem gentlemen have we got on this Bill? I hope my friends will agree with me that it is essentially necessary for the healthy growth of national life in the province that representatives of the two communities should work together, should think together, at least in all affairs which make for the common good of the people of this country. I know of no other field of public life where these two communities can work together usefully than in the fields of education and culture. History tells us that in the Act of 1857 and in subsequent amendments no provision as such was made for Moslem representation, and what has been the effect? No Moslem has up till now—and I challenge any body to rise and contradict me—been returned by the registered graduates of the Calcutta University to the Senate (shame, shame). Shame on the University, shame on the system, shame on those who want to perpetuate such communalism. I remember, Sir, that the late Nawab Sir Syed Shams-ul Huda was a candidate for election to the Senate when this system was introduced. Would you be surprised to hear that he got only seven votes, and those too from Moslems only? Not a single Hindu voted for him. If that is so, if this Bill be passed into law, however much you broaden the franchise, however much you increase the number of elected members on the Senate, however much you plead for nationalism, how many Moslems will be able to get themselves

elected to the Senate? [My friend has said that Mr. Wordsworth has sent his benedictions on the provisions of the Bill. I have the highest regard for Mr. Wordsworth, for his strenuous service in the cause of education, but Mr. Wordsworth is also obsessed with the idea underlying the Bill, in view of the fact that he has all along worked with Hindu colleagues and has never had any occasion to work with Muhammadan colleagues on the Senate of the Calcutta University. He must have forgotten for the moment that the Bill makes no provision for the representation of Moslems.

6-30 p.m.

Government has got the right of nomination. I am pained to have to say that they have not exercised that right fairly or legitimately for the purpose of protecting Moslem interests. We think, Sir, that we cannot entrust our interests with the bureaucracy. We do not know on what principle they make that nomination. Sir, our interests are not safe even in their hands. What we want is not to trust to nomination; we want to come by election. If you do not give us a separate electorate, then reserve certain seats for us so that we may be sure that Muhammadans of the right type will go to the University. We have taken part in the educational activities of this province and it cannot be expected that we who represent several constituencies in this Council should go unrepresented in the University.

If you read the provisions of the Bill it will show the mentality of the gentlemen who have come forward to this legislature to propose such a drastic change in the University. Have you done what was necessary to placate Moslem feeling? Then how can you expect that the Muhammadans will come forward and support this Bill, that they will support the drastic changes proposed therein. I do not admit for a moment that these deficiencies can be removed merely by a reference to the Select Committee. These are questions of principle which must be settled first before the Bill goes to the Select Committee, and even here, Sir, in proposing the names to compose the Select Committee they have not mentioned Muhammadans except three belonging to their group and one other, namely, Maulvi Abul Kasem who does not belong to their party, but perhaps they rely on his absence from the Select Committee meetings! So Sir, Muhammadan representation is practically nil. This is absolutely inadequate and what guarantee is there that if they propose anything in the interests of their community their proposal will be accepted? On the ground that the Bill makes no provision for Moslem representation I oppose it with all the emphasis that I can command. I have already referred to the case of the late Sir Shams-ul Huda but only the other day the distinguished educationist, Mr. Fazlur Rahman, was defeated as a candidate for membership to this Council from the Dacca University constituency. You

may call us communalists, but we find that our interests are not safe with the system of elections now prevailing in the University. It is no use crying us down by calling us communalists, but we cannot shut our eyes to solid facts. I will not detain the Council any longer. As the Bill stands at present we object materially to its principles and we believe that it should be circulated before it goes to the Select Committee, to elicit public opinion, especially the opinion of the important Anjumans and to elicit Moslem opinion on a matter in which my community is vitally interested, and it may be referred to a Select Committee, if necessary, when these opinions have been collected. It is a matter of vital concern to us and we cannot allow the motion to go unchallenged. With these words I commend my motion to the acceptance of the House.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, on behalf of Government I would like to make a statement. It may be argued that the apathy of Government towards University legislation manifest by the fact that although many years have passed since the Sadler Commission proposals no reforms have been initiated, justifies the legislation proposed by the authors of the present Bills. Such a position is untenable for, as will be shown, Government have made repeated attempts to reform the University and the ineffectiveness of these attempts has not always been the fault of Government.

Immediately after the publication of the Sadler Commission report the Government of India, after consulting the Government of Bengal, drafted a Bill embodying the main recommendations. It was to become operative as soon as finances permitted. The Secretary of State, however, refused to allow this Bill to go forward chiefly on the grounds that it was extremely controversial and had better await solution by the newly constituted councils.

In 1921 legislation in connection with Calcutta University was made a responsibility of the Local Government and in 1922 the problem was taken up by the Education Department under the direction of Sir P. C. Mitter. Two Bills were drafted—one for the control of Secondary Education and one for the reform of the University. The University authorities and the Government of Assam strenuously opposed both Bills and owing to this opposition the necessary consent of the Governor General in Council to the introduction of these Bills could not be obtained.

Attempts were then made to arrive at a mutually agreeable solution of the many difficult problems involved by discussions between representatives of Assam, the University and the Government of Bengal at conferences called by Lord Lytton. As a result of these discussions it was decided to proceed first with the Secondary Bill and afterwards to attempt legislation upon University matters. It was further agreed

that a University Committee should draw up proposed schemes. No agreement was reached upon the proposals put forward by the University and in 1925 a further conference was called when a draft Bill for the control of Secondary Education was placed before the joint representatives.

The University representatives were asked to place before Government their criticisms of this draft Bill together with any proposals of their own. In September of 1925 these criticisms and proposals were received by Government and the draft Bill amended in the light of these criticisms.

The revised Bill was then sent to the University and a conference held in April of 1926. As a result of this conference a letter was sent to the Senate of the University asking for their official opinion upon certain points.

The Senate appointed a committee to consider the matter and majority and minority reports were submitted.

The majority report required that the University should still retain final control in Secondary matters and was contrary to the recommendations of the Sadler Commission. Government considered the opinion embodied in the majority report and sent further proposals to the University in July of 1927 meeting to a certain extent the criticisms of the University. No reply has yet been received although the proposals were submitted over 12 months ago.

In view of the impossibility of arriving at a mutually agreeable solution by conferences and correspondence Government are now drafting a Bill for the control of Secondary Education.....

Rai HARENDRANATH CHAUDHURI: After receiving notice of these Bills?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Which has taken due consideration of all the criticisms of the University authorities and will it is hoped meet with general approval. This Bill will be submitted to Council as soon as possible.

Babu JITENDRALAL BANNERJEE: Even at the risk of being pulled up by you and my point of order being called frivolous I cannot but point out that we cannot hear anything and the business of this House degenerates into a farce if we cannot hear what the Hon'ble Minister says.

Mr. PRESIDENT: I have already pointed out that the loud speakers are out of order. The Hon'ble Minister is trying his level best to make himself heard. I think if there be a little more silence he could be heard.

Rai HARENDRANATH CHAUDHURI: There is death like silence prevailing in the House at the present moment.

Mr. PRESIDENT: Then, perhaps, a little more patience is required.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Inactivity in the past has been definitely due to the conflicting ideas of the parties involved, namely the University, the Government of Assam and the Government of Bengal. Experience has shown that the issues at stake are so large and complicated that a mutually agreeable solution on all points is impossible. They have by draft Bills, conferences, correspondence given every opportunity to the University to co-operate in obtaining a solution of the problem. These efforts having failed, Government placed on special duty an officer who is at the present moment engaged in the preparation of proposals which will be embodied in a draft Bill and after the usual procedure placed before the Council. The officer is consulting educational authorities connected with all parties concerned and opportunities for criticism of the draft Bill will be given to the University as well as to the Government of Assam.

The Bill will deal with the University as a whole and will include a reconstitution of the Senate in the light of the work that it will have to do under the new scheme. If the present Bill is referred to a Select Committee, Government will necessarily have to postpone its activities in preparing a more comprehensive scheme and the result will be that effective reorganisation will be more remote than ever.

Government have in the past continuously striven to discover a solution agreeable to all. Conflicting interests made those attempts abortive. Government now propose to place before the Council a possible and comprehensive solution for the Council to discuss and legislate upon. Any piece-meal solution Government definitely regard as not only inadequate but also prejudicial to and destructive of any chance of real improvement. This opinion is shared by the leading educationists connected with the University itself as indicated in their comments on the private Bills put forward by Mr. Mullik and Mr. Bose in 1923. The Bills differed from the present proposals in many respects, but as far as introducing the democratic principle into the constitution of the Senate and their neglect of the recommendations of the Sadler Commission are concerned they are alike. The following are extracts from the University's comments—and I hope my friend Dr. B. C. Roy will listen to these carefully:—

"It is patent to us that the Bill contemplates an enlargement of the Senate by the introduction of what is called the democratic principle, the Senate, so amplified, to exercise as at present both academic

and administrative functions. We are of opinion that the reconstitution of the Senate on this basis will be detrimental to the development of the University as an educational institution. In our opinion, if the duties of the Senate continue to be what they are at the present moment, namely, of a dual character, a democratic principle should not be adopted in constituting that body—that principle however may well be applied in the reconstitution of the University on a different plan. It is we think not unreasonable to urge that the recommendation of the Commission should not, as regards Calcutta, be summarily discarded in favour of fragmenting legislation which is not only of very doubtful value but may in the end seriously prejudice the cause of educational development "

The report embodying the above extract was drawn up and signed by fourteen of the leading representatives of the Senate including Sir Ashutosh Mukherjee, Sir P. C. Roy, and Dr. Bidhan Ch. Roy.

It was unanimously accepted at a meeting at which Dr. Pramathanath Banerjea and Mr. Manmatha Nath Roy, the movers of the now proposed Bills, were present. Apparently they have completely changed their minds since subscribing to the above remarks.

6-45 p.m.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. It is very unfair that we are not told what that committee is when he is speaking of a committee.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The Committee of the University that sat did make recommendations on the Bill of Mr. Bose. My point is this: as long as the University was under the control of Sir Ashutosh Mukherjee, Dr. Bidhan Chandra Roy and Babu Manmatha Nath Roy, they advised that the principle of democratic rule should not be introduced in the constitution of the University. (Cries of No, never.) I say Yes. Now, Sir, I do not know what has transpired since that these very gentlemen have changed their minds, and they now say that this very University should be constituted on democratic lines. I know as a matter of fact that this University has not changed in character, because the Senate has not taken up any of the functions which the University had in 1923.

Babu MANMATHA NATH ROY: On a point of personal explanation, Sir. I have been referred as having been present in some committee.....

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: You were present in the meeting in which the Senate accepted the report of the committee. I do not know, Sir, what has happened in the course of the last few years for my friends to propose a change in the whole constitution of the University.

The following are three important points in connection with the proposed University Bills:—

(1) The Bills propose to reconstitute the Senate. This is only one of a number of necessary reforms recommended by the Sadler Commission and until the other reforms are carried out it ought not to be considered for its exact form is dependent upon the other proposals.

(2) The Bills make no provision whatever for Muhammadan interests and ensure a Senate almost entirely Hindu (the only probable representation is by nomination) for the electorates as constituted will return no Muhammadans unless reservation is adopted. His Excellency nominates 20 in one Bill and 17 in the other. Of these a number will necessarily go to prominent educationists who are not elected—chiefly owing to the nature of the electorates and Muhammadan interests cannot be adequately safeguarded. The Bills ensure the almost complete exclusion of Muhammadan representation. The Muhammadans constitute more than 50 per cent. of the people of the province—more and more they are attempting to forward their educational interests and they have a right to expect that if electorates are formed which are predominently Hindu they will be guaranteed a minimum number of seats commensurate with the educational interests of their community in the different electorates. Any Bill which does not recognise this right ought to be rejected.

(At 6-50 p.m. the Council was adjourned and it reassembled at 7-5 p.m.)

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (3) The interests of Assam excluding ex-officio reservations are neglected in Dr. P. N. Banerjea's Bill and only safeguarded by 3 nominations in Babu Manmatha Nath Roy's Bill. The University as established by law exists for both Bengal and Assam and although the interests of this province predominate, in all fairness to the latter legislation affecting the University ought to be undertaken only after consulting the latter. Any new proposals should consider the interests of Assam. These proposals do not consider the interests of Assam.

All critics from the Sadler Commission onwards have agreed that many reforms other than the reconstitution of the Senate are urgently required. One obvious reform is the necessity for provision in the University of a responsible academic body controlling and legislating

upon academic matters—under-graduate and post-graduate. Apart from the Universities constituted under the Government of India Act of 1904, of which Calcutta is one, there are as far as I am aware few, if any, Universities in which academic interests are not controlled by purely academic bodies. All the newer Universities in India have such a body and it is at any rate reasonable to suppose that serious consideration will have to be given to the question of introducing a responsible academic body into the University of Calcutta as recommended by the Sadler Commission. It would not be wise to reject the accumulated experience of the West and the most modern and advanced ideas in the East on the question of University constitution. The bearing of this question upon the present proposed Bills is obvious. Until it is known what functions the Senate will have to perform, it is impossible to decide what its constitution should be. If it is to have academic powers there must be a large element of academic representation on the Senate, if not the necessity for such representation disappears.

Government's position is therefore that until it knows what powers the Senate is to have it cannot attempt to say how the Senate should be constituted.

Moreover, the attempt to reconstitute the Senate assumes that the Senate is to retain its present authority and implies that further reforms are unnecessary. The passing into law of this Bill would certainly make extremely difficult any future attempts at creating authorities within the University other than the Senate. No body likes to see itself shorn of power and a Senate constituted on the lines suggested would strenuously resist any suggestions or attempts of devolution of authority.

So far from proving an acceptable reform under the present conditions it is the definite opinion of Government that a Senate so constituted would be a hindrance rather than a help towards the reform of the educational system.

7-15 p.m.

Moreover, one cannot help but feel that in their neglect of the interests of certain minorities the proposers are adopting an untenable position. The interests of Assam have been ill provided for. Assam has a definite participation in the affairs of Calcutta University. Government have given the assurance that the authorities of Assam will be consulted in connection with any proposed legislation. In justice such consultation is necessary and any constitution should adequately safeguard their interests. I need not say much about the neglect of the interests of one other prominent body of people, namely, those of my own community. The Bills ensure the almost complete exclusion of Muhammadan representation from the elected representatives, and consequently are manifestly unjus'

Now, Sir, it will be seen that Government is prepared to introduce a Bill of its own, which is in the making now, as early as possible. That Bill is intended to provide an up-to-date constitution which, we find, has been introduced into the other Universities of India. We know that the Madras University has quite recently been reconstituted: it has got a Court, an Academic Council and an Executive Council. So we are thinking of introducing this reform in framing the constitution of our University. Suppose this Bill is passed into law and Government, say at the end of 6 or 9 months, brings in another Bill dealing with Secondary and University Education—what will happen? Supposing the Bill now before us is passed within 3 months and the Government Bill is also passed sometime afterwards. Under the provisions of the present Bill the Senate will be reconstituted, but the reconstituted Senate cannot work for even 6 months when it may be changed as a result of the passing of the Government Bill. So I would appeal to my friends to consider this point of view. When the country has waited for 75 years it can certainly afford to wait at least for six months or so.

Rai HARENDRANATH CHAUDHURI: Why not continue the status quo for another 75 years?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I would ask you to wait and see what the Minister is producing for the good of the country. As I have said, I would ask my friend to seriously consider this point of view, and not to disturb the present constitution of the Senate, but to wait for a few months and to allow our Bill to be placed before the Council and passed. With these few words, I would oppose the motion for the commitment of the Bill to the Select Committee.

Mr. W. C. WORDSWORTH: Mr. President, my name has been abundantly and not ungenerously brought into the discussion. I cannot remember, nor can I find, that I have ever offered any public criticism on this Bill. My criticisms will be offered on a proper occasion, and I hope that occasion will be soon, in the Select Committee. I only wish to say that we, in the European group, have studied the Bills carefully and feel that, as the two Bills have been brought forward before this Council, have been before us for so long and have been circulated with the full support of Government, they should be passed on to the Select Committee. On the Select Committee there will be representatives of all classes in this Council. The Minister will be there himself Muhammadans will not be absent: the Government representatives of the Education Department will be there; and the Bills could be considered along with any proposals that Government might already have drafted for our consideration. The fact

that Government has, since these Bills were brought forward, taken the matter in hand itself and has intentions of putting forward proposals of its own seems to us to be no reason why Bills that we received some months ago should be thus cut short. It was a surprise to us to be told that Government did not wish them to go any further because Government would soon have its own proposals for our consideration. All these proposals could be considered together and something satisfactory might be hammered out round the Select Committee table: but there is no reason for delay in the circumstances that we have the Sadler Report—we have taken no action on it for 10 years. All connected with the University wish to see Muhammadans properly represented in the University, and I know that all authorities have tried to improve matters in this respect. I do, however, regret that Mr. Fazl-ul Huq has raised the communal question in such harsh language. It will be deplorable, indeed, if we are to have exactly the same kind of communal feeling in College Square as we have in this Council.

Dr. PRAMATHANATH BANERJEA: It has been represented to me that the inclusion of the names of three Muhammadan gentlemen who have been interested in education for a long time past should be included in my Select Committee. The names are those of Mr. Abdul Karim, Mr. Fazl-ul Huq and Mr. A. F. Rahman. I shall be pleased, with the leave of the House, to include the names of these gentlemen.

Mr. PRESIDENT: I have no objection if the House does not object.

The motion that the Bill be re-circulated for opinion to all members of District Boards, Municipal Commissioners, Anjumans and other Moslem associations, all ex-members of the Bengal Legislative Council and Legislative Assembly before the next winter session of the Council was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Atiquilah, Mr. Syed Md.
Baksh, Maulvi Kader.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khershed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Farequi, Khan Bahadur K. G. M.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Jenkins, Dr. W. A.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muzzam Ali.
Khan, Maulvi Tamizuddin.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mukerji, Mr. S. C.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.

Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. G. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.

NOES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basai, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Forrester, Mr. J. Campbell.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Mimatsingka, Babu Prabhu Dayal.
James, Mr. F. E.
Khan, Babu Debendra Lal.
Luke, Mr. N. R.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Nem Chandra.
Pal Choudhuri, Mr. Ranjit.
Raikat, Mr. Prosanna Deb.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sashindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.
Suhrawardy, Mr. H. S.
Wordsworth, Mr. W. C.

The Ayes being 45 and the Noes 48, the motion was lost.

7-30 p.m.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move formally the amendment which stands in my name. I do not wish to make any speech, Sir, but I move by motion with some reservations, because I find that Dr. Banerjea has already accepted some of the names I propose, viz., the names of Mr. Fazl-ul Huq and Maulvi Abdul Karim. Of the remaining names, Sir, Sir Abd-ur-Rahim and Mr. Razaur Rahaman Khan have not given their consent to be included in the Select Committee. Therefore, I move my amendment leaving out the names of Sir Abd-ur-Rahim and Mr. Razaur Rahman Khan, which now reads as follows:—

That after the name "Babu Jogendra Chandra Chakravarti," the following names be inserted, namely—

Khan Bahadur Maulvi Azizul Haque;

Maulvi Nurul Huq Chaudhuri;

Maulvi Syed Nausher Ali;

Maulvi Shamsur-Rahman;

Mr. Syed Md. Atiqullah.

Dr. W. A. JENKINS: Sir, I wish to oppose the motion that the Bill be referred to a Select Committee. At this late hour, I shall not trouble the House by entering into all the details which should be discussed, but I shall confine myself to one or two points which have been mentioned by Mr. Wordsworth. The attitude seemed to be, Sir, that Government has been dilatory in dealing with the question of legislation for the reform of the Calcutta University; therefore no harm would be done if this matter were referred to a Select Committee and a decision arrived at with regard to the question of popular representation on the Senate, and, at the same time, if Government went forward with its own proposals. It is because I believe that a decision on this question will seriously prejudice the possibility of any future legislation with regard to the Calcutta University, and indeed, practically prohibit it altogether, that I strongly oppose the reference of this question to a Select Committee. What is the position, Sir? The position is that we are about to try to pass into legislation a proposal which will give you a Senate popularly constituted—largely consisting of elected representatives—which may be swayed by various matters extraneous to education ideals. Here, to-day, it has been authoritatively stated that Government propose to reconstitute the Calcutta University and place it on a sound educational footing. We hold that until we know what the Senate will have to do in the future, it is futile to attempt to say how your Senate shall be constituted. For example, if the Senate were to be divested of academic powers, it is obvious that the necessity for the representation of academic interests on the Senate would be different from what it is at present. And, I would remind the House, Sir, that there is no other University in the world, which has not an expert academic, no expert authority for dealing with academic questions. I do not wish to stress this question further. There are other aspects of the Calcutta University which urgently require reform.

We have the unanimous opinion of the most expert educational commission which has visited this country, we have the unanimous opinion of the strongest educational committee appointed by the University of Calcutta, that until wholesale reconstruction of the University is possible, piecemeal legislation ought not to be attempted. Our position is, Sir, that if you reconstitute your Senate, leaving to it its present functions, and that reconstitution means an elected majority, then, in the nature of things, that Senate will not agree to re-organisation which may involve the taking away of certain of its powers. We strongly oppose such a contingency. (Cries of "Address the Chair," as the member was speaking with his face turned away from the Chair.)

Sir, no body of its own free will is desirous of giving up any of its powers. (Hear, hear.) And once you reconstitute your Senate in

such a way that it is popularly constituted and in it is vested practically full powers in all matters, the possibility of devising for the Calcutta University a constitution which will ensure for Bengal an efficient and up-to-date University will vanish into nothing. (Cries of "Question.") We desire to see in Bengal a University which shall give to the youth of Bengal those educational facilities, those possibilities of advancement, which, by their inherent abilities, they have a right to expect, which they have not at present, and which are within the reach of the youth of all progressive countries of the world.

You cannot judge a University by its one or two special products: the real test of a University lies in the standard of educational attainment and efficiency of the ordinary graduate which it turns out. And, judged by that standard, we say that the Calcutta University should be reconstituted and that there should be a thorough overhauling of its machinery, in order that it may be given an up-to-date constitution, which does not neglect either the lessons of the West or the advanced modern opinions of the East on the question of what a University ought to be.

Sir, it would be fatal if Bengal definitely adopts for its premier University principles which have been rejected in all countries in the world and which are being rejected in India at the present moment for its new Universities. Because Sir, we feel that the acceptance of this principle, with the functions of the Senate remaining as they are, will make almost impossible more necessary and urgent reforms, we object to the reference of this Bill to the Select Committee. I would refer this House to the opinions of the expert educational authorities on this Bill. If this is done, Sir, it will be found that the really responsible educational authorities in Bengal recommended that piecemeal legislation be not undertaken until there is to be a complete reconstruction and reorganization.

Sir, with these few words I oppose the motion.

The following motions were called but not moved:—

Mr. A. K. FAZL-UL HUQ to move, by way of amendment to motion No. 26, that after the name of "Babu Jogendra Chandra Chakravarti" the following names be inserted, namely:—

"Maulvi Syed Muhammad Afzal;

Maulvi Syed Nauser Ali;

Maulvi Nurul Huq Chaudhuri;

Maulvi Shamsur-Rahman;

Mr. Syed Md. Atiqullah;

Maulvi Khorshed Alam Chaudhuri."

Srijut NAGENDRA NATH SEN to move, by way of amendment to motion No. 26, that after the name "Babu Jogendra Chandra Chakravarti," the following names be inserted, namely:—

"Maulvi Shamsur-Rahman;

Srijut Nagendra Nath Sen."

Khan Bahadur Maulvi EKRAMUL HUQ to move, by way of amendment to motion No. 26, that after the name "Babu Jogendra Chandra Chakravarti" the following names be inserted, namely:—

"Mr. K. C. Ray Chaudhuri;

Maulvi Shamsur-Rahman."

The motion of Maulvi Tamizuddin Khan was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Atiquilah, Mr. Syed Md.
Baksh, Maulvi Kadar.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Farequi, Khan Bahadur K. G. M.
Ghuznavi, Alhadj Sir Abdelkerim.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Mucharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Jenkins, Dr. W. A.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rauf, Maulvi Syed Abdur.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. N. E.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Khan, Babu Debendra Lal.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Raikat, Mr. Prosanna Deb.
Ray, Dr. Kumud Sankar.

Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.
Suhrawardy, Mr. H. S.

The Ayes being 41 and the Noes 43, the motion was lost.

The following motion was then put and agreed to:—

"That the Calcutta University Bill, 1927, be referred to a Select Committee consisting of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, Mr. A. J. Dash, Mr. H. E. Stapleton, Dr. W. A. Jenkins, Dr. Sir Devaprasad Sarbadhikari, KT., C.I.E., C.B.E., Mr. S. C. Bose, Dr. Bidhan Chandra Roy, Rai Harendranath Chaudhuri, Babu Jitendralal Bannerjee, Mr. F. E. James, O.B.E., Mr. W. C. Wordsworth, Babu Bejoy Krishna Bose, Babu Manmathanath Roy, Babu Akhil Chandra Datta, Kazi Emdadul Hoque, Maulvi Abul Kasem, Mr. H. S. Suhrawardy, Babu Jogindra Chandra Chakravarti, Maulvi Abdul Karim, Mr. A. K. Fazl-ul Huq, Mr. A. F. Rahman and Dr. Pramathanath Banerjea, the mover of the Bill, with instructions to submit their report on or before the 31st August, 1928, and that the number of members whose presence shall be necessary to constitute a quorum shall be seven.

Mr. PRESIDENT: I should like to say that Babu Manmatha Nath Roy's Bill is identical with this Bill, and, therefore, a copy of Mr Roy's Bill will also be placed before the Select Committee. I will instruct the Legislative Department to do so.

Adjournment.

The Council then adjourned till 3 p.m., on Tuesday, the 7th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 7th August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 110 nominated and elected members.

Starred Questions

(to which oral answers were given).

Election of the Local Boards in Burdwan.

***43. Mr. P. C. BASU:** Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether, and, if so, when the next election of the Local Boards in the district of Burdwan is going to take place?

SECRETARY to the GOVERNMENT of BENGAL, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): Under the existing rules, the next general election of the Asansol, Katwa and Kalna Local Boards is due to take place about February, 1929, and that of the Sadar Local Board about June, 1929. If the draft amendments to the rules, a copy of which is laid on the table, are finally adopted, the next elections are due to take place when the term of the District Board expires.

Draft amendments to the rules referred to in the reply to starred question No. 43.

NOTIFICATION.

Minister-in-charge: The Hon'ble Sir P. C. Mitter, Kt., C.I.E.

No. 1466 L.S.-G.—The 2nd May 1928.—The following draft of amendment which, in exercise of the power conferred by clause (*a*) of section 138 of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885), the Government of Bengal (Ministry of Local Self-Government) propose to make in the rules published with notification, dated the 15th December, 1885, as subsequently amended, is published for the information of persons likely to be affected thereby.

2. The draft will be taken into consideration on or after the 15th July, 1928, and any objections or suggestions with regard thereto, which may be received by the undersigned through the District Magistrate before that date, will be duly considered:—

Draft amendments.

For rules 61 and 62 of the said rules *substitute* the following, namely:—

"61. (*1*) The term of office of every member of a District Board shall be three years from the date of the first meeting of the Board at which a quorum shall be present.

(*2*) The term of office of the members of all the Local Boards in a district shall expire with the three years' term of office of the members of the District Board mentioned in sub-rule (*1*).

62. The terms of office of the members of the District and Local Boards mentioned in rule 61 shall be held to include any period which may elapse between the expiration of the said terms and the first meeting of the newly-appointed and elected members of the Boards at which a quorum shall be present."

J. G. DRUMMOND,
Secretary to the Government of Bengal.

Damodar Embankment near Jote Kubir.

*44. **Mr. P. C. BASU:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether there was a breach in the Damodar Embankment near Jote Kubir between mile 41-42 during the last rains, and

(*ii*) whether it is a fact that the embankment gave way near about this place during the floods of 1913;

(*iii*) whether the old embankment was spurred by bamboos and wood scantlings in 1922;

(*iv*) what was their condition before the said breach;

(*v*) whether any ring embankment was erected near about the breach as an additional security, and what is its present condition?

(*b*) Was there any scheme for a sluice gate in the old embankment?

(*c*) If so, when it had been made?

(*d*) Was the scheme sanctioned? If not, why not?

(*e*) Was any sum of money spent by the Government during the last three years regarding the repairs to the embankment at or near the site of the breach?

(*f*) Have any steps been taken by the Government to repair the old embankment?

(*g*) Have the Government framed any other additional scheme for the security of the inhabitants of that part of the locality?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) (*i*) Yes.

(*ii*) Yes, as also in other places near by.

(*iii*) Yes.

(*iv*) The spurs were partly eroded and damaged.

(*v*) No, but a retired line has been maintained as a second line of defence, and its condition is good.

(*b*) Yes.

(*c*) No sluice has yet been made.

(*d*) A regulator sluice was sanctioned in 1925, but in 1927, the design was altered to that of a syphon sluice; such a sluice will have to be manufactured by an Engineering firm, and tenders are under consideration.

(*e*) Yes.

(*f*) No.

(*g*) Yes.

Belur Railway disaster inquiry.

***45. Mr. SUBHAS CHANDRA BOSE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government of Bengal held any inquiry into the recent railway disaster on the East Indian Railway near Belur?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state whether the Government are proposing to hold an inquiry at an early date?

(*c*) If the reply to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the report of the inquiry?

(*d*) If the inquiry is not yet complete, will the Hon'ble Member be pleased to state when they expect to get a report of the inquiry?

(*e*) What steps do the Government intend to take as a result of the inquiry report if the same has been submitted?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The District Magistrate of Hooghly held an enquiry under Rule 20 of the Railway Accident Rules into the causes which led to the accident, and Government have received a copy of his findings.

(*b*) Government do not propose to institute any other enquiry.

(*c*) No.

(*d*) *Vide* (*a*) above.

(*e*) None at present.

Srijut TARAKNATH MUKERJEA: Will the Hon'ble Member be pleased to lay on the table the report of the District Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state why the report of the District Magistrate will not be placed on the table?

The Hon'ble Mr. W. D. R. PRENTICE: Railways are a central subject and the Government of Bengal are not responsible for them.

Rai HARENDRANATH CHAUDHURI: If the Government of Bengal are not responsible for the railways, why was the inquiry made?

The Hon'ble Mr. W. D. R. PRENTICE: It was made under rule 20 of the Railway Accident Rules.

Rai HARENDRANATH CHAUDHURI: Do these rules contemplate that no report should be placed before the public or the members of the Legislative Council even if a copy of the report has been sent to the Local Government?

The Hon'ble Mr. W. D. R. PRENTICE: These rules do not provide even for a copy of the report being sent to the local Government?

Rai HARENDRANATH CHAUDHURI: Have the Local Government received any copy or not?

The Hon'ble Mr. W. D. R. PRENTICE: Yes, they have received a copy.

Rai HARENDRANATH CHAUDHURI: What are the reasons for not placing it on the table?

The Hon'ble Mr. W. D. R. PRENTICE: Because the railways are under the Government of India and findings regarding the railways are dealt with by the Central Government and not by the Government of Bengal.

Rai HARENDRANATH CHAUDHURI: My question has not been answered. The Bengal Government have got a copy of the report. What reasons are there for the Bengal Government to withhold that report from the Legislative Council?

The Hon'ble Mr. W. D. R. PRENTICE: Because it is not a subject with which the Bengal Legislative Council can deal. It is a central subject.

Rai HARENDRANATH CHAUDHURI: This question has been allowed by the President as a matter of provincial concern. Why then should the report be withheld?

Mr. PRESIDENT: I will decide your point later because I have sent for a recent circular.

Babu JITENDRALAL BANNERJEE: Will the Local Government be pleased to approach the Railway Board or the Central Government, as the case may be, for permission to publish that report?

The Hon'ble Mr. W. D. R. PRENTICE: I would suggest that the Central Government may be asked through the Legislative Assembly.

Mr. A. C. BANERJEE: Is there any rule or law under which the Bengal Government are debarred from making an enquiry?

Mr. PRESIDENT: That question has been answered.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state the actual number of the dead finally ascertained by Government?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot remember the exact figure. It is somewhere about 20.

Balurghat distress.

***46. Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state what amount has been advanced as agricultural loans to the distressed people for the Balurghat subdivision up to the 25th of July?

(*b*) How many people have received such loans?

(*c*) What are the maximum and the minimum amounts advanced to a single family?

(*d*) Has the loans policy been changed in the direction of giving loans for maintenance as well as for purchase of cattle and seeds?

(*e*) If the answer to (*d*) is in the negative, what are the obstacles in the way of changing the policy?

(*f*) Has any further sum, in addition to Rs. 4,000 already given, been given for gratuitous relief?

(*g*) What is the total number of men receiving gratuitous relief now?

(*h*) What is the total amount collected by the local authorities for gratuitous relief in addition to the Government grant?

(*i*) Have the local authorities published accounts showing the amounts received from the public as subscriptions to the relief fund and the disbursement made up to the end of July?

(*j*) If the answer to (*i*) is in the negative, do the Government intend to direct that such accounts should be published?

(*k*) Do the Government intend to sanction further amounts for agricultural loans and gratuitous relief? If so, how much?

(*l*) What proportion of the area that remained fallow last year for want of rains has been brought under cultivation this year, up to now, in the thanas of—

(*i*) Patnitolla,

(*ii*) Porsha,

(*iii*) Dhamarihat,

(*iv*) Balurghat, and

(*v*) Tapon?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Sir Provash Chunder Mitter): (*a*) Rs. 5,67,201 sanctioned for agricultural loan by Government. Out of this, Rs. 4,46,363 has been advanced as agricultural loan up to the 25th July, 1928.

(*b*) 13,940 persons received such loan up to the 25th July, 1928. Besides this, Rs. 8,714 was advanced as loan for *aus* seeds to 4,004 persons.

(*c*) Rs. 75 is the maximum and Rs. 5 is the minimum amount advanced to a single family. The latter sum is for purchase of seed only.

(*d*) and (*e*) The matter is under the consideration of Government.

(*f*) No.

(*g*) The number of persons receiving gratuitous relief is now about 2,100. The actual figure of the week ending 24th July, 1928, is 2,066.

(*h*) Rs. 10,644 has been collected by the local authorities up to 25th July, 1928, for gratuitous relief exclusive of the Government grant of Rs. 4,000.

(*i*) No. As soon as money is received, a receipt is given to the donor. Detailed accounts of receipt and expenditure with necessary vouchers are kept in the office of the Subdivisional Officer of Balurghat and are subject to audit in due course.

(*j*) Government do not consider the publication of accounts necessary.

(*k*) Government are prepared to sanction further grants if needed.

(*l*) Patnitolla—10 annas, Porsha—12 annas, Dhamarihat—10 annas, Balurghat—12 annas, and Tapon—10 annas. Further cultivation is briskly going on. If weather is favourable, it is expected that the proportion of cultivation will reach 14 annas.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With regard to the answer to questions (*d*) and (*e*) may I know since how long the matter has been under the consideration of Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: Since the last two weeks Government have started considering it.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Can the Government give a definite date by which a decision is likely to be arrived at?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is difficult to give a definite date but an early decision will be arrived at.

Sub-Inspectors of Police, recruitment of.

*47. **Maulvi NURUL HUQ CHAUDHURI:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the last five years—

(*i*) the number of Hindu and Moslem Sub-Inspectors of Police recruited from outside; and

(*ii*) the number of Hindu and Moslem Sub-Inspectors of Police promoted from the ranks?

The Hon'ble Mr. W. D. R. PRENTICE: A statement is laid on the table.

Statement referred to in the reply to starred question No. 47.

(*i*) NUMBER OF HINDU AND MOSLEM SUB-INSPECTORS OF POLICE RECRUITED DIRECT DURING 1923-1927.

Year.	Bengal Police.		Calcutta Police.	
	Number of Hindus.	Number of Moslems.	Number of Hindus.	Number of Moslems.
1923 ..	4	3	Nil	1
1924 ..	12	12	6	3
1925 ..	15	15	5	2
1926 ..	15	15	Nil	Nil
1927 ..	14	15	2	2

(*ii*) NUMBER OF HINDU AND MOSLEM SUB-INSPECTORS OF POLICE PROMOTED FROM THE RANKS DURING 1923-1927.

Year.	Bengal Police.		Calcutta Police.	
	Number of Hindus.	Number of Moslems.	Number of Hindus.	Number of Moslems.
1923 ..	24	1	Nil	Nil
1924 ..	26	4	1	1
1925 ..	24	6	1	Nil
1926 ..	25	5	1	Nil
1927 ..	26	4	2	1

Publication of names of members of Howrah Municipality.

*48. **Babu KHAGENDRA NATH GANGULY:** Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the reasons for the delay in the publication of the names of elected and appointed members of the Howrah Municipality—the general elections having taken place about three months back; and

(*ii*) the exact period for which the present members of the old board of the Howrah Municipality are continuing in office?

Mr. J. C. DRUMMOND: (*i*) The elections were not complete till the 7th May.

The full list of the Commissioners elected was sent to the Superintendent of Government Printing by the Commissioner on the 14th May for publication in the Gazette. On that day, however, an objection was filed before the District Magistrate by one of the unsuccessful candidates and so publication was withheld. The Commissioner was informed on 9th June of the result of the objection and on 17th June, he asked the Superintendent of Government Printing to publish the names. The Commissioner sent up his nominations on 18th June, and the appointments made by Government were gazetted on 2nd August, 1928.

(*ii*) Since 25th March, 1925.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Minister be pleased to state if it is a fact that the original nominations sent by the District Magistrate are not the same as those published in the Gazette?

Mr. J. C. DRUMMOND: It is not usual to state what nominations the District Magistrate made.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Minister be pleased to state if it is a fact that the name of the ex-Chairman of the Howrah Municipality had no place in the list of original nominations of the District Magistrate?

Mr. J. C. DRUMMOND: I have nothing to add to the answer already given.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Minister be pleased to state if it is not derogatory to the dignity of the Municipal Board of Howrah to nominate a man who was defeated at the election?

Mr. PRESIDENT: I cannot allow that question.

Scarcity in Khulna.

*49. **Maulvi SHAMSUR RAHMAN:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue aware that a large tract of land in the district of Khulna is seriously affected with scarcity of food?

(*b*) Is the Hon'ble Member aware that there are cases reported of persons having committed suicide there for failing to procure food for children and self?

(*c*) Is the Hon'ble Member aware that the scarcity is so acute that the District Board is contemplating opening poor houses?

(*d*) Is it a fact that His Excellency visited all the other districts where scarcity prevails except Khulna?

(*e*) Will the Hon'ble Member be pleased to state why the affected area in the district of Khulna was not suggested for inclusion in the tour programme of His Excellency?

(*f*) When did the District Magistrate first come to know of the fact and from what sources?

(*g*) Will the Hon'ble Member be pleased to state when the District Magistrate and the Divisional Commissioner visited the area?

(*h*) Will the Hon'ble Member be pleased to lay on the table a copy of the reports, if any, of the District Magistrate and the Divisional Commissioner on the subject?

(*i*) Will the Hon'ble Member be pleased to state—

(*1*) the area, and

(*2*) the number of houses,

affected?

(*j*) Will the Hon'ble Member be pleased to state what steps, if any, are being taken by the Government in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) There is distress in portions of the Satkhira subdivision and a small part of the sadar subdivision, covering an area of 180 out of 4,675 square miles.

(*b*) Only one specific case was reported, but on enquiry it was found to be false.

(*c*) The District Board are opening poor houses at two centres.

(*d*) His Excellency did not visit Khulna, Murshidabad and Nadia.

(*e*) It was not possible for His Excellency to visit every district.

(*f*) The District Magistrate first came to know of the possibility of distress in September last from report of the Subdivisional Officer and personal enquiry.

(*g*) The District Magistrate visited the area in January, February, March, May, June and July and the Divisional Commissioner by the middle of May, 1928.

(*h*) No special report was submitted by the Commissioner or the Collector.

(*i*) (*1*) 180 square miles.

(*2*) The number of houses cannot be exactly stated. 99,588 persons live in this area and about 10 to 20 per cent. can be said to be affected.

(*j*) Steps taken are enumerated in the *communiqués* of 18th and 27th July, 1928. A further allotment of Rs. 20,000 for agricultural loans and of Rs. 5,000 for land improvement loans has since been sanctioned.

Maulvi SHAMSUR-RAHMAN: As to (*b*) may I know by whom was the enquiry made?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was made at the instance of the Magistrate, but if you want further information I want notice. I cannot mention the name of the particular officer.

Maulvi SHAMSUR-RAHMAN: As to (*f*) when the Subdivisional Officer reported in September may I know why no action was taken until January or February and what was the District Magistrate doing between September and February?

The Hon'ble Sir PROVASH CHUNDER MITTER: The answer is that there was a possibility of distress and the position was watched.

Maulvi SHAMSUR-RAHMAN: May I know why no money was allotted for gratuitous relief in Khulna?

The Hon'ble Sir PROVASH CHUNDER MITTER: There is a Poor House and no money was actually asked for by the local officer.

Maulvi SHAMSUR-RAHMAN: In the report of the Subdivisional Officer and the District Magistrate they asked for Rs. 15,000 for gratuitous relief. Is it or is it not a fact?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is not a fact.

Rai HARENDRANATH CHAUDHURI: Did the local authorities ask for money for agricultural loans and land improvement?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, mainly loans but they also asked for Rs. 2,000 for gratuitous relief and they got it.

Rai HARENDRANATH CHAUDHURI: On what date was the amount referred to in (*j*) sanctioned?

The Hon'ble Sir PROVASH CHUNDER MITTER: About a week ago.

Rai HARENDRANATH CHAUDHURI: Do I understand that since the 27th July no further requisition for gratuitous relief has been made by the local officer?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Maulvi SHAMSUR-RAHMAN: I heard the Hon'ble Member to say that Rs. 15,000 was asked for gratuitous relief. May I know if that is correct?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, that is correct.

Maulvi SHAMSUR-RAHMAN: Will the Hon'ble Member be surprised to hear.....

Mr. PRESIDENT: That is no question.

Supplementary questions to starred question No. 45.

Mr. PRESIDENT: With regard to supplementary question of Rai Harendranath Chaudhuri to starred question No. 45, I find that nothing prevents me from allowing that question. I cannot, however, compel the Hon'ble Mr. Prentice to answer, but the question is in order.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to lay before the public a copy of the report?

The Hon'ble Mr. W. D. R. PRENTICE: The report concerns a central subject and the Local Government are not in a position to publish it.

Rai HARENDRANATH CHAUDHURI: I submit that the Hon'ble Member is not entitled to take that plea. This question was certainly allowed by you on the basis that it was a matter of provincial concern. When you have decided that it is a matter of provincial concern I submit it is not for Mr. Prentice to say that this is a central subject and is not a local question.

Mr. PRESIDENT: I think it would have been quite enough if the Hon'ble Mr. Prentice had simply said that he was not willing to answer the question.

Ex-détenu Naresh Chandra Chaudhuri.

*50. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Srijut Naresh Chandra Chaudhuri, a détenu, is lying ill in a critical condition; and

(*ii*) whether it is a fact that Srijut Naresh Chandra Chaudhuri applied to the Government for monetary help for medical treatment?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state the date of submission of such petition?

(*c*) What steps have the Government taken for the treatment and nursing of Srijut Naresh Chandra Chaudhuri?

(*d*) Do the Government propose to expedite the matter?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) Government are informed that he is seriously ill.

(*ii*) Yes.

(*b*) 7th July, 1928.

(*c*) and (*d*) None, as this détenu was released in June, 1927. But in consideration of his present condition and as an act of grace, Government have recently sanctioned a compassionate grant.

Rai HARENDRANATH CHAUDHURI: What was the amount for which the detenu applied and what was the amount of the compassionate grant?

The Hon'ble Mr. W. D. R. PRENTICE: This information Government have always refused to give.

Mr. JOGESH CHANDRA GUPTA: What is the reason for Government always refusing to give information about these in pounds, shilling, pence or rupees?

The Hon'ble Mr. W. D. R. PRENTICE: I have explained several times that Government do not intend to enter into details regarding the private concern of a detenu in Council.

Mr. PRESIDENT: I think following precedent Mr. Prentice is justified in saying that this matter is more or less a private concern of a detenu.

Dr. KUMUD SANKAR RAY: What was the nature of the illness?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I have no information.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. If any member of the House were asking about the private income of any citizen it could have been said that it was a matter of private concern but when Government make a grant out of the public funds it cannot be said that it is a private matter?

Mr. PRESIDENT: You know very well I have many times disallowed such questions, of course following precedent.

Dr. KUMUD SANKAR RAY: When was he ill? Was it before he was released in June, 1927?

The Hon'ble Mr. W. D. R. PRENTICE: He was ill for many years past if I recollect aright. I do not know what his present illness is but I think it is fever, cough and cold and stomach complaint.

Late détenu Ranajit Kumar Chaudhuri.

***51. Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether late Srijut Ranajit Kumar Chaudhuri, a détenu, was, at the time of his death, under the direction of reporting himself to the Deputy Commissioner of Police while in Calcutta or to the Superintendent of Police of the district in which he would be staying?

(*b*) If so, when did he report for the last time?

(*c*) Did not Government make any inquiry as to the reason of his not submitting any report?

(*d*) If so, did the Government obtain any information about his illness in course of such inquiry?

(*e*) Will the Hon'ble Member be pleased to state whether the Government got any information about his illness from him or from any of his friends or relatives?

(*f*) If so, did the Government make any arrangement for his treatment?

(*g*) Will the Hon'ble Member be pleased to state the contents of the letter written by détenu late Srijut Ranajit Kumar Chaudhuri in which he had referred to his suffering from dysentery?

(*h*) Did Government make any inquiry after his death?

(*i*) If so, what was the result of the said inquiry?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No, but he had to inform these officers of any change of residence, and was at liberty to do so in writing.

(*b*) On the 25th of April, 1928.

(*c*) Does not arise.

(*d*) Does not arise.

(*e*) No.

(*f*) Does not arise.

(*g*) Government are not prepared to state all the contents of the letter. The only reference in the letter to the late détenu's health gives as follows: "My health being considerably reduced owing to my recent dysentery."

(*h*) No.

(*i*) Does not arise.

Unstarred Questions

(answers to which were laid on the table).

Tow-path between Kaukhali and Jhalakati.

39. Maulvi KHORSHED ALAM CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is a fact that there is a Canal Board road running between Kaukhali and Jhalakati—two important trading centres in the Pirojpur and Sadar subdivisions of the Bakarganj district?

(*b*) Is the Hon'ble Member aware that the condition of the said road is unsatisfactory so much so that people cannot pass through it during the rainy season?

(*c*) Is the Hon'ble Member aware that the condition of the said road (from Kaukhali to the Chaukighata) has never been thoroughly repaired or reconstructed, where necessary?

(*d*) Is it also a fact that bridges connected with this road are in unsatisfactory condition, and most of them remain unrepaired throughout the year?

(*e*) If the replies to (*b*) and (*c*) are in the affirmative, will the Government be pleased to state the reasons for the same?

(*f*) Will the Hon'ble Member be pleased to lay on the table a statement showing the annual allotment and expenditure for repairs to and reconstruction of this road in the year 1916-17 and from 1917-18 to 1927-28?

(*g*) Is it a fact that the Executive Engineer, Khulna Division, is in charge of this area?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Member be pleased to state whether he personally visited this area ever and, if so, when?

(*i*) Are the Government considering the desirability of making over this road to the District Board of Bakarganj?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) This department does not maintain a regular road but maintains a tow-path so far as possible.

Wooden bridges across side *khals* are maintained on the southern bank of the Kaukhali Bharani *khal* between Kaukhali Bazar and Sarupkati *khal* junction. No regular tow-path is maintained in this reach because there is a cutting bank and homesteads, bazar lands, etc., extend right to the edge of the *khal*. There is no Government land on this bank.

From Sarupkati *khal* mouth to Chowkighata and thence to Rupishya (near Jhalakati) tow-path with bridges on side *khals* are maintained. These works are sufficiently kept up to serve the purpose of a tow-path.

(*b*) As already stated in reply to clause (*a*), it is maintained by Government as a tow-path and not a road. Its condition, though not good enough for a road, serves the purpose of a tow-path well.

(*c*) As already stated it is maintained as a tow-path not as a road.

(*d*) It is not a fact that the bridges noted in above remain unrepaired throughout the year and are in unsatisfactory condition.

(*e*) Does not arise.

(*f*) Figures, as far as available, are placed on the table. Up to 1921-22, no separate allotment used to be made for this work. The figures noted in the statement up to the year are allotments for several works, including the work in question. Expenditure relates to the work in question.

(*g*) Yes, since 1921.

(*h*) Yes. The last inspection of the Executive Engineer was made on the 22nd December, 1927.

(*i*) No proposal is under the consideration of Government.

Expenditure incurred on the maintenance of the Eastern Canals from Kaukhali to Jhalakati in earthwork, jungle-cutting, repairs to bridges referred to in the reply to clause (f) to unstarred question No. 39.

Year.	Part of allotment.	Expenditure.
	Rs.	Rs.
1916-17	15,000	1,729*
1917-18	13,900	3,759*
1918-19	17,000	3,003*
1919-20	14,800	3,906*
1920-21	13,600	3,081*
1921-22	15,700	3,573*
1922-23	1,400	1,378
1923-24	2,543	2,660
1924-25	4,900	4,899
1925-26	4,000	3,947
1926-27 . ..	4,100	3,977
1927-28	3,834	3,834

* Excluding work establishment.

P. C. Roy,
Executive Engineer, Khulna Division.

The 21st July, 1928.

Amounts of registration fees realised on account of registration of kabalas.

40. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to lay on the table a statement showing during the year 1926-27, district by district, the amounts of registration fees realised on account of registration of *kabalas* regarding occupancy holdings in the province?

MINISTER in charge of DEPARTMENT of EDUCATION (REGISTRATION) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): The information called for is not available as no separate statistics with regard to sales of occupancy holdings are maintained in the Registration Department. The time and labour involved in the collection of the information would be incommensurate with its utility, and Government do not feel justified in collecting it.

Cases against the Muhammadans in Pabna.

41. Srijut JOGENDRA NATH MOITRA: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing, thana by thana, for the district of Pabna, from January, 1928, to June, 1928, the number of cases reported to the police or brought to the court for offences alleged against the Muhammadans in relation to—

(*i*) Hindu females;

(*ii*) Hindu religion; and

(*iii*) Hindu religious or social processions?

(*b*) How many of those cases were tried in the court?

(*c*) What are the results of the cases referred to in clause (*a*)?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*), (*b*) and (*c*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 41.

Thana.	Number of cases reported to the police or brought to the court against Muhammadans in relation to offences against—			Whether tried in court or not.	Result.
	Hindu females.	Hindu religion.	Hindu religious or social processions.		
Sujanagar ..	1*	1 (*a*)	1 (*a*)	Yes	*Pending. (*a*) In one case the accused was acquitted under section 248, Criminal Procedure Code, and in the other discharged under section 253.
Bera ..	..	1	..	Yes	Compounded.
Shazadpur ..	1	..	..	Yes	Pending in the court of session.
Other thanas ..	Nil	Nil	Nil	..	

Text Book Committee.

42. Babu HEM CHANDRA NASKER: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) when the new Text Book Committee will be formed;

(*ii*) on what principle the Government will select the members;

(*iii*) when the new syllabus for high schools will be enforced; and

(*iv*) from what date new Text Book will be accepted for approval?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*i*) If adequate provision is made in the budget for 1929-30, the Text Book Committee will be formed with effect from 1st September, 1929.

(*ii*) The principle on which the Committee will be formed is that it should be as representative as possible of all branches of school teaching.

(*iii*) If adequate provision is made in the budget for 1929-30 for the Text Book Committee to commence its work from 1st September, 1929, the new syllabuses will be enforced from 1st January, 1931.

(*iv*) If the adequate provision is made in the budget for 1929-30 for the Text Book Committee to commence its work from 1st September, 1929, text book will probably be accepted for approval from January, 1930.

Education Code.

43. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state when the revised Education Code will be published?

(*b*) Will the Hon'ble Minister be pleased to state whether the rules of the School Code passed by the University have been incorporated in it?

(*c*) Is it a fact that Mr. E. F. Oaten, the Director of Public Instruction of Bengal (on leave), was signatory to the School Code?

(*d*) Will the Hon'ble Minister be pleased to state whether the Education Code (in preparation) provides for Arbitration Boards to hear appeals of dismissed or discharged teachers?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state what measures the Government propose to take to ensure security of tenure for teachers in aided schools?

(*f*) Is it a fact that Mr. Lindsay last year addressed a letter to the University accepting the principle of the Arbitration Board?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) The rules and orders of the Education Department are now under revision. No definite date as to the publication of the revised edition can be given at this stage.

(*b*) The rules of the School Code framed by the University are under the consideration of Government. They will be incorporated, so far as may be considered necessary in the interests of aided non-Government school, in the revised rules and orders of the Education Department.

(*c*) Yes, in his capacity as a member of the Committee appointed for the purpose by the University.

(*d*), (*e*) and (*f*) The matter is still under correspondence with the University, and Government are not prepared to make any statement at present.

Government Bill.

The Bengal Tenancy (Amendment) Bill, 1928.

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to introduce a Bill further to amend the Bengal Tenancy Act of 1885.

[The Secretary then read the short title of the Bill.]

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to move that the said Bill be taken into consideration.

Sir, the Bill was published in the *Calcutta Gazette* on the 12th July, 1928, and copies of the Bill together with the Statement of Objects and Reasons as also certain relevant papers were distributed to the members of this House. The large number of amendments that have been tabled show the interest taken by the members of this House in this important measure. This Bill is the result of much discussion and careful work done by a number of Committees with the result of whose deliberations the members of this House, as also the section of the public who take an interest in this Bill, are fairly familiar. I do not therefore wish to discuss the features of the Bill at this stage for if I were to do so I shall perhaps be repeating matters which are well known to many.

It was so far back as 1912 that the Hon'ble High Court brought to the notice of Government serious difficulties in the operation of the present law with regard to transfers of occupancy holdings and suggested that proper remedy lay in legislation. Soon after that the then Government took into its serious consideration the weighty suggestion of the Hon'ble High Court and, as a result of enquiries made, came to the conclusion that it would be wise to wait till the completion

of settlement operations in a few districts so as to have more definite information and statistics affecting this question. The War also intervened and the matter was not further proceeded with at that stage. Soon after the inauguration of the Bengal Legislative Council under the Government of India Act of 1919, Babu Bhismadeb Das moved a resolution in 1921 for the appointment of a Special Committee. The resolution was carried and in consequence a strong representative committee was formed with Sir John Kerr as President.

This Committee had no less than 43 sittings and evolved a Bill which with their report was published widely for obtaining criticisms and opinions. A very large number of valuable opinions were received. These were carefully examined and a Bill was drawn up by the Government in the Revenue Department in 1925. It was introduced in the December Session that year and was referred to a Select Committee in which there were landlords, tenants and Revenue Officers of experience. The Select Committee considered the matter very carefully and submitted their report in July, 1926. Their report altered the original Bill on many points. So Government had to consider the matter again very fully and carefully and they felt that in a matter of prime importance like the Bengal Tenancy Bill affecting the daily life of millions of the people of this Province it was incumbent on them to re-examine the position, and they proceeded to do so with the assistance of one who is held in universal respect by all sections and communities, namely, Sir Nalini Ranjan Chatterjee:

3-30 p.m.

An eminent Judge, a God-fearing man, belonging to no particular class or school of politics—his assistance in re-examining the provisions of this Bill was invaluable and I venture to think that this House and the public of Bengal ought to be grateful to him for placing his services so ungrudgingly for settling in a judicial and detached spirit the conflicting interests involved in this legislation.

Although a very large number of amendments have been tabled, barring amendments on comparatively less important points the House will have to consider at a later stage when the Bill is taken up clause by clause, the following, amongst other, important points:—

(1) the question of transferability of occupancy holdings;

(2) the treatment of under-raiyats;

(3) adjustment of rights of landlords and tenants with regard to the question of cutting and appropriation of trees;

(4) the question of burgadars and dhankararidars;

(5) the amendment of section 22 regarding merger of occupancy rights when purchased by the immediate landlord;

(6) certain facilities to tenants for payment of rent; and

(7) simplification of the procedure for realisation of arrears of rent so that there may be less temptation either for the landlord or the tenant to indulge in avoidable litigation.

These, amongst other, features of the Bill as I have already explained are the results of a compromise between conflicting interests; but this compromise has been arrived at after years of careful consideration from 1921 onwards. In the process of such consideration the assistance of the representatives of various interests and of expert revenue officers and lawyers specially familiar with tenancy problems were fully utilised. Then came the second stage of further adjustment of conflicting interests in the Select Committee of the Bill of 1925. Points of conflict were narrowed down as a result of the careful deliberation of that Select Committee. Finally, we had the special committee presided over by Sir Nalini Ranjan Chaterji to which I have alreay referred.

There have however been several notices of proposal to refer the Bill to a Select Committee. It may be mentioned that a reference again to a Select Committee will not improve matters but will bring us back to the position where we are to-day and perhaps in a worse position. If the Bill be again referred to a Select Committee there is little likelihood of unanimity, and even if there be unanimity these questions are bound to be raised again in this Council. The decision will lie on the vote of this Council then, just as they lie to-day, and we would not find ourselves advanced a single step forward. The consideration of the matter has been pending for quite a long time and even the Bill in draft has been pending for a number of years. When Government were busy at work in examining the Select Committee's changes the Council was impatient. In 1926, a resolution was carried to expedite the Bill and strong speeches were made during the last budget debate when this Council made a cut of Re. 1 as indication of its definite desire to expedite this Bill. These resolutions are only a reflection of the general feeling of the country about the urgency of the legislation. I have little doubt that the Council will be consistent with the attitude it has so repeatedly and emphatically expressed, and now that we are ready with a Bill examined by no less than three committees and thereby give effect to the express desire of the Council, there should not be further postponement whether on the plea of another Select Committee or any other ground. As I have already submitted another Select Committee will not take us a single step forward.

I may just note in passing that in most material respects the Bill follows the recommendations of the Select Committee, and where there are differences they will no doubt be discussed by this House when the Bill is taken up clause by clause.

Before I conclude may I respectfully draw the attention of the House to the fact that this is perhaps the most important legislation with which the House will be dealing ever since the inauguration of the present constitution. This is a legislation affecting the vital interests of 90 per cent. of our fellow beings. Fortunately in this legislation we are not concerned with party problems or political differences. On the other hand, if the House can settle the conflicting class interests with justice and fairness to all, it will be laying deep the foundations of true nationalism in this province.

With these words I move that the Bill be taken into consideration.

The following motions were called but not moved:—

Babu NAGENDRA NARAYAN RAY to move, by way of amendment to motion of Sir Provash Chunder Mitter, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., Mr. F. A. SACHSE, Mr. Subhas Chandra Bose, Khan Bahadur Maulvi Azizul Haque, Maulvi Abul Kasem, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Mr. J. M. Sen Gupta, Babu Jogindra Chandra Chakravarti, Babu Akhil Chandra Datta, Rai Harendranath Chaudhuri, Mr. W. L. Travers, C.I.E., O.B.E., Babu Naliniranjan Sarker, Babu Jitendralal Bannerjee, Kazi Emdadul Hoque, Khan Bahadur Maulvi Ekramul Huq, Mr. A. K. Fazl-ul Huq, Babu Mahendra Nath Maiti and the mover, with instructions to submit their report by the beginning of the next session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be seven.

Maulvi SHAMSUR-RAHMAN to move, by way of amendment to motion of Sir Provash Chunder Mitter, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., Sir Abd-ur-Rahim, K.C.S.I., Rai Harendranath Chaudhuri, Babu Akhil Chandra Datta, Babu Jogindra Chandra Chakravarti, Srijut Nagendra Nath Sen, Maulvi Abul Kasem, Khan Bahadur Maulvi Azizul Haque, Khan Bahadur Maulvi Ekramul Huq, Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, Mymensingh, Rai Jadunath Mazumdar Bahadur, C.I.E., Mr. A. K. Fazl-ul Huq, Mr. F. A. Sachse, Babu Jitendralal Bannerjee, Rai Satyendra Nath Roy Choudhuri Bahadur, Srijut Bijay Kumar Chatterjee, Babu Naliniranjan Sarker, and the mover, with instructions to submit their report for presentation to the Council at the winter session and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. A. K. FAZL-UL HUQ to move, by way of amendment to motion of Sir Provash Chunder Mitter, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., Maulvi Syed Muhammad Afzal, Maulvi Khorshed Alam Choudhury, Maulvi Nurul Huq Chaudhuri, Maulvi Azizur Rahman, Rai

Sahib Rebati Mohan Sarker, Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, Mymensingh, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Maharaja Jogindra Nath Ray, of Natore, Babu Naliniranjan Sarker, with instructions to submit their report by the 8th September, 1928, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Babu BIJOY KRISHNA BOSE to move, by way of amendment to motion of Sir Provash Chunder Mitter, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., Rai Satyendra Nath Roy Choudhuri Bahadur, Babu Jogindra Nath Chakravarti, Babu Akhil Chandra Datta, Babu Bijoy Krishna Bose, Babu Jitendralal Bannerjee, Srijut Nagendra Nath Sen, Rai Harendranath Chaudhuri, Mr. W. S. Hopkyns, Mr. A. K. Fazl-ul Huq, Maulvi Asimuddin Ahamad, Mr. D. N. Roy and Babu Amarendra Nath Ghose, with instructions to submit their report by the 31st August and that the number of members whose presence shall be necessary to constitute a quorum shall be seven.

Mr. BIJAY PRASAD SINGH ROY to move, by way of amendment to motion of Sir Provash Chunder Mitter, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., Mr. Altaf Ali, Rai Harendranath Chaudhuri, Rai Satyendra Nath Roy Choudhuri Bahadur, Babu Akhil Chandra Datta, Babu Naliniranjan Sarker, Mr D. N. Roy, Maulvi Asimuddin Ahamad, Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, Mymensingh, Mr A K. Fazl-ul Huq, Kazi Emdadul Hoque, Maulvi Azizur Rahman, Mr. W. H. Nelson, Khan Bahadur Maulvi Muhammad Abdul Mumin, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, and the mover, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

Mr. S. C. MUKERJI to move, by way of amendment to motion of Sir Provash Chunder Mitter, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., Mr. W. H. Nelson, Mr. F. A. Sachse, Khan Bahadur Maulvi Muhammad Abdul Mumin, Rai Mahendra Nath Gupta Bahadur, Babu Naliniranjan Sarker, Babu Akhil Chandra Datta, Rai Harendranath Chaudhuri, Babu Jitendralal Bannerjee, Khan Bahadur Maulvi Azizul Haque, Maulvi Abul Kasem, Mr. A. K. Fazl-ul Huq, Alhadj Sir Abdelkerim Ghuznavi, KT., Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, Mymensingh, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Mr. F. E. James, O.B.E., and the mover, with instructions to submit their report to the Council as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

Alhaj Sir ABDELKERIM GHUZNAVI: Sir, I rise to welcome the introduction of this Bill. I wish, however, that Government could have seen their way to bring it forward during the cold weather when weather conditions would have been more congenial and would have been more conducive to a cooler and calmer consideration of this important measure. Nonetheless, I, for one, welcome it with all my heart, because there seems to be an idea abroad that the zamindars or the landlords as a class are opposed to any measure which might tend to alleviate the conditions of the raiyats. Now, Sir, that is a proposition which is entirely misconceived. For, in my opinion, the interests of the landlord and his tenants are entirely intertwined. I consider that it is up to every landlord who is worth his salt to look to the material, moral and social welfare of his tenantry. I would go even further than that. I hold that it is to the interests of the zamindars themselves that they should look after the welfare of their tenants, so that the latter may not throw themselves unreservedly into the arms of the agitators who for motives of their own pose as the raiyats' champion. A well-fed, well-contented and prosperous tenantry is the greatest asset that a landlord can have, and I cannot but recall those burning words of the Poet who says:—

> "Princes and Lords may flourish or may fade,
> A breath can make them as a breath has made,
> But a bold peasantry, their country's pride,
> If once destroyed, can never be supplied".

A wise landlord is he who bears this in mind and shapes his course accordingly. Just as there are black sheep in every fold, I will concede there may perhaps equally be some in our fold too. But there can be no reason to libel the whole class as having no sympathy with the legitimate aims and aspirations of the tenants, as is the fashion in some quarters.

Now, Sir, time was when tenants used to look up to their landlords as children look up to their parents; time was when the relationship between the landlord and the tenant was of the most cordial nature; time was when the tenants would go to landlords and seek their help and protection in every matter of their social or domestic affairs, but those times are gone now.

Now, Sir, what are the principal changes that the provisions of this Bill propose to make into the conditions that prevail at present. These I take to be the transferability of occupancy holdings, the rights of tenants to trees on their holdings, the rights of tenants to erect masonry structures on their lands, and the question of the status of bargadars and occupancy rights of under-raiyats.

In this connection I will say at once, that long before this Bill was conceived, I and some of my co-zamindars of the Atia Parganas in the district of Mymensingh, notably Mr. W. Panni, a premier zamindar of East Bengal, had notified to our tenants that they were at liberty to erect mosques, temples or churches, and other masonry structures on their lands; that the trees which the tenants have grown on their own homesteads henceforth will be their own property; that tanks and masonry or kutcha wells may be freely excavated and sunk; and that one-fifth of every holding will be allowed to be held absolutely rent-free under the "Shah-rah-kami" system of the Moslem times. As a matter of fact, under a tacit understanding, our tenants had already been more or less enjoying all these privileges, but in order that others may do likewise the same were formally notified to them by ourselves and the matter was at the time reported in the local press. Now, Sir, what is "Shah-rah-kami? During hundreds of years of Moslem sway in this country, the preservation and upkeep of the Shah-rah, i.e., the imperial roads and highways, were the concern of the villagers, through whose villages, those roads passed, and in lieu of remuneration for the upkeep of those roads, the villagers were entitled to hold absolutely rent-free one-fifth of their holdings. This concession they had been enjoying even after the sceptre had passed into other hands. Similarly, for the upkeep of educational institutions families after families were in possession of rent-free lands, from the proceeds of which maktabs, madrassas and other educational institutions were maintained. Times are changed. Writing in 1871 this is what Sir William Hunter said: "At an outlay of £800,000 upon Resumption proceedings, an additional revenue of £300,000 a year was permanently gained by the State. A large part of this sum was derived from the lands held rent-free by the Mussalmans or by Mussalman foundations. Hundreds of ancient families were ruined, and the educational system of the Mussalmans, which was almost entirely maintained by rent-free grants, received its death-blow. The justice of these proceedings may, however, be defended, but the absolute misappropriation of scholastic funds cannot. It is painful to dwell on this charge of misappropriation, because it is impossible to rebut it." So it will be seen that while even Government laid their hands on the rent-free lands as soon as they got the chance, to the detriment of the masses, it must be said to the imperishable credit of the Atia zamindars, that when they had the chance, time after time, even as recently as the last Survey and Settlement operations a few years ago, they refused to take away by the left hand what their forefathers had given by the right. Thus it has transpired that the tenants in the Atia pargana, which at one time comprised the major portion of the districts of Mymensingh, Pabna and of Dacca and was known as Sarkari Bazuha, are still continuing to enjoy as rent-free one-fifth of

their holdings, although they have no obligations to render in lieu of the same. If our brother zamindars were equally as liberal, I do not think the agitators could have had much chance.

A wise and benevolent zamindar must always be an asset for good. He can help his tenantry in various ways. He can introduce improved methods in the domain of agriculture. He can propagate hygienic ideas amongst his tenantry. He can save them from the clutches and the cupidity of the ever devouring monsters in human shape, viz., the usurious mahajans; and he can help them in hundred other ways, if he and his tenants would only be left alone by the agitators and by those who take malicious delight in fomenting and bringing about strained relations between the landlord and his tenants. I will now turn to the question of the right of transferability of occupancy holdings, which is being dangled before the eyes of the raiyats by the agitators as a panacea for all their ills. I have not the slightest hesitation in saying that in practice this will work quite in the opposite direction. It will gradually tend to reduce the raiyats into landless labourers as has been the in Behar and Orissa and elsewhere. (A VOICE: Question!) Hitherto the present system has operated as a far-reaching safeguard for the tenant vis-a-vis the money-lender and the land-grabber. While speaking of money-lenders I do not know whether the attention of the members of this House was drawn to a report published in the press the other day with such alarming headlines as "26 lakhs for 22 rupees." It appears that a Shylock had lent 22 rupees to an unfortunate tenant of Chandpur and after a lapse of 15 or 20 years the amount had risen to that figure. The sowcar had the forbearance, of which he seemed to be proud, of suing for only Rs. 640 and eventually was satisfied with a consent decree for rupees four hundred and odd. What a tale of heart-rending oppression does this unfold. The ordinary rate of interest charged in the interior is often 2 to 4 hundred per cent. What can be greater calamity for tenants and who is encompassing their ruin more fully than the usurious mahajan, a class of men against whom legislation is long over due. Therefore, there must be some safeguard to prevent such state of things and if thereafter the tenants or their self-styled champions are eager and anxious to have this right conferred on them, I do not for one moment, propose to stand in the way.

The rate of rent that prevails generally, even if the so-called "abwabs" are added thereto, would, I am sure, compare very favourably with the rates that prevail in Government khasmahals in Bengal, not to speak of Government lands in other Presidencies, a fact which is of common knowledge of even those who are but slightly acquainted with the land system that prevails in this country.

As regards the "bargadars" or "adhiars" the local custom which prevails should be maintained in the interest of the "bargadars" themselves. Safeguards should be introduced where necessary not only in

the interest of the zamindars but in the interest of the tenants themselves. There are so many matters of detail in connection there with, that I for one should have thought that it would have been wiser if the question of referring it once more to a Select Committee had been carefully considered. I wish to emphasise however that it cannot be the desire of any one in this House much less the zamindars, that this Bill should be shelved. On the contrary, the sooner this controversy is laid at rest, the better for all concerned. Litigation has ever been the bane of this country and my only fear is that the more we strive to steer clear of the Scylla of the tenant's disabilities by introducing fresh legislation the more we are likely to split upon the rock of Charibdys by increasing litigation.

[The member having reached the time-limit was allowed 2 minutes to conclude his speech.]

I therefore fervently hope that as a result of the deliberations of this House, nothing will be done which will tend to increase unnecessary litigation. I pray to the Almighty, with all my heart, that this measure may usher in a period of more cordiality between the various sections of the people of this country, particularly the landlord and the tenant.

Khan Bahadur Maulvi AZIZUL HAQUE: I congratulate the Hon'ble the Revenue Member for bringing forward this important piece of legislation to-day before this House. Our thoughts go back not only to the eighties of the last century but also towards the close of the 18th century when this land system was introduced into this country. Sir, I believe there is no denying the fact that over this legislation there are two aspects—the aspect of the landlord and that of the tenants; and however ideal a picture might be drawn by Sir Abdelkerim Ghuznavi, that is only a picture and an ideal, and we have yet to know the names of the landlord about whom he has said that he makes no difference between a landlord and a tenant. Sir, one thing is certain that whatever may be the attitude of this House over this legislation, the landlords' interests will be looked after by no less an able hand than Sir Provash Chunder Mitter. Somehow or other the greatest complaint of the landlords—and I believe Sir Provash Chunder Mitter is not an exception in that—is that Government is not doing what it should do for the landlords and that Survey and Settlement operations have been doing a lot of mischief to the landlords of Bengal. I myself know, and I can say without any challenge or fear of contradiction by anybody, that the present position of the tenants is simply due to the Survey and Settlement operations and to the able discharge of duties by the Survey and Settlement Department. Sir Provash himself complained to Government when he was a Member that from his experience he found that the Government are not looking after the legitimate interests of the landlords. It was he who

said that persons with settlement experience cannot be expected to take a wider view on these vital questions. As the Revenue Member—as he has happened now to be—I believe he has come to realise it that but for the Settlement Department the rights of the tenants would not have been safe. Sir Abdelkerim Ghuznavi has said that there is a black sheep every where. It is very difficult to find out who is a black sheep and who is not. Sir Abdelkerim was drawing an ideal picture that a prosperous Bengal would depend upon the prosperous landlords. I wish the tenants of Bengal had got that justice from the landlords. If you will go through the reports of the Settlement Department you will come to know that almost in every district the Settlement Officers have found how the landlords have been trying to take away the rights of the tenants. Sir, I think it is my duty to ask the landlords as a class—I do not mean any reflection on them, I do not mean to speak on any class interest but in the wider interest and in the spirit of democracy which has come into the country, with the mighty upheaval of feelings and thought that have come into the country, with the Barodoli issue in the distant corner of India—I ask the landlords to consider as to whether they will be right to stand in the way of the tenants of Bengal. Even the slumbering people have awakened from their sleep. The people are coming to know bit by bit their responsibilities and rights. Sir, every year a number of gentlemen are candidates for election to this Council and who are preaching the real rights of the people, and I believe we will find soon that the representatives of the people in this Council will be people looking after the interests of the tenantry in Bengal and not the interests of the zamindars, unlike as we find the Swaraj Party which is composed to-day of a majority of landlords. (A VOICE: Question! Question!) My friends question me. I hope they will sit till the division comes, and I think when the division comes they will be able to answer themselves the very question that they put to me. It is a matter of congratulation that we shall be able to discuss a piece of legislation which will make itself a history for the future. Sir, you will find one thing in Bengal: it is that the zamindary system has totally failed in this province. I am not one of those who, for the matter of that, is in favour of the abolition of the zamindary system, but I am one of those who, in view of the fact that the zamindars have failed to discharge their duties and responsibilities to the poor people, want to see that the rights of the tenants are protected.....

4 p.m.

I do think that there was no other piece of legislation which was conceived in so benevolent a spirit as the Permanent Settlement of Lord Cornwallis. Very unfortunately it has not been able to produce the desired result. Only the other day we were discussing the famine question, we were thinking as to how from the public coffers we could

grant a little more dole to the people where distress was prevailing, but the landlords have by this time managed to forget that it is their duty to advance money to the cultivators to enable them to cultivate their lands and to help them in times of distress. There is much to be done so far as the rights of tenants are concerned. What do we find under the present tenancy law? It has taxed the villages to the utmost and the entire unearned increment goes to the landlords. There is the right of enhancement every 15 years though under the satanic Government increment is made only after 30 years. We find that the landlords have got the full right of ejectment. Very soon we shall have to decide what should be the amount of premium to be paid on the transfer of occupancy rights. I for myself have not been able to find out any reason as to why the landlord should be entitled to anything more than his just and legal rent. I am quite prepared to give the landlord the right of ejectment if the tenant does not give him rent. I am quite prepared to see that the landlord is not prejudicially affected so far as the realisation of his rent is concerned. But I have yet to know the reason why the landlord should have the right of ejectment at his sweet will simply because the tenant is desirable or undesirable according to the definition which the landlord might put. Sir, I have not yet seen landlords who have taken the work of the tenantry in the true spirit in which it was conceived. You will find in the villages there is need of drinking water, of agricultural implements and need of the recent ideas now going round the world. Very unfortunately the only industry which has prospered under the Permanent Settlement is the motor-car industry. I find that one might have ten motor-cars. As I have said before I am not willing to abolish the zamindary settlement. All I want is that the tenancy legislation should be so framed as to give the tenants of Bengal a little more right and to make him no slave to the wish and option of the landlord. Speaking with reference to another unfortunate country one historian has said that good landlords are very few, but whether good or bad a free man ought not to be at the mercy of anybody, a free man should owe no master, but the law of his own country and depend on nothing but his own industry. If legislation is conceived in that spirit, I think, the interests of the landlords and tenants will be really safe. I do not want to take up much time of the Council as there are other speakers who want to have their say on this important measure. I would conclude by saying that in spite of many defects in the Bill I personally welcome this legislation as it might mean a little furtherance of the rights of the tenants. I would only make one appeal to the Revenue Member and that is that when he was not the Revenue Member, but a member of the select committee, he opposed the introduction of the Tenancy Bill on the ground that it was a piecemeal legislation. I hope that after the legislation is passed he will remember that it is a piecemeal legislation, and he will take time by the forelock

and see that a comprehensive enquiry into the condition of the tenantry of Bengal be undertaken; and that legislation on a wider scale than this piecemeal legislation be taken up at an early date.

Babu JITENDRALAL BANNERJEE: Mr. President. The various notices of amendment having been withdrawn, the discussion has now become more or less of an academic character and I would not have taken part in it but for the fact that Sir Abdelkerim Ghuznavi is a perennial source of interest and amusement to me. And to-day he has been especially amusing, with his divagations into the realm of poetry and the eloquent penegyric which he has pronounced upon the zamindars as a class, including himself as a worthy and individual member of that class. He gave us an idyllic and beautiful picture of an ideal state of things, in which there is no conflict of interest between the landlord and the tenant, in which the landlord is the *Ma Bap* of the tenant, and in which the tenant, instead of falling into the arms of the agitator, every day places himself more and more under the protecting care of the zamindar. As a sentimental picture it was all very good; but one would like to ask whether it was in accordance with facts. We also know something of the condition of the Bengal zamindar and the Bengal raiyat; and our view of the matter is that the picture of Sir Abdelkerim Ghuznavi is not simply inaccurate, it is inaccurate in all its essentials and inaccurate in all its details; it is a picture that is false, misleading, overdrawn and grotesquely exaggerated. The relation between landlords and tenants might have been all that is desirable, if only the landlords had taken care to perform the moral obligation that was cast upon them by the Permanent Settlement. But during the last one hundred and fifty years the landlords have not taken the least trouble to do anything of the sort. Have they looked after the irrigation of the soil? Have they taken care of embankments? Have they excavated tanks? Have they taken the least step to increase the fertility and productivity of the soil? Sir, they have failed in every particular of the duty that was cast upon them, not simply by the Permanent Settlement but by the eternal laws of God and man. They have performed one thing only, and that they have performed supremely well: they have drained the tenant to the last ounce of his blood, and they have fed fast upon the unearned increment from the soil.

Sir Abdelkerim Ghuznavi told us something about the right of transferability which is now proposed to be granted to the tenant. He gave us a quotation from Goldsmith. Had he pursued his studies in Goldsmith a little further, he would have found that there was another exquisitely funny poem in which, speaking of a certain dog, the poet says:—

> "The dog to serve some private end,
> Went mad and died."

Zamindars like Sir Abdelkerim affect to think that the tenants of Bengal, like Goldsmith's dog, will go mad and die as soon as one most elementary right has been granted to them—that they will forthwith divest themselves of their property and make helpless paupers of themselves. Sir, the raiyats are not quite so foolish and helpless as some people would have us believe. They know what is to their interest and what is not. They wish to keep their land and property in tact, and they will not proceed to divest themselves of their land as soon as you grant them the elementary privilege of dealing with it as their own property. After all what is there to prevent pauperisation even now? Transfers of land are going on every year and going on most merrily. Every year more than two crores of rupees worth of land is changing hands. The only thing that the transferee has to do is to make his peace with the landlord: and if the transferee is a money-lender, even in these days, he can always make his peace with the landlord because he offers a high salami such as a mere tenant can never afford to pay. The tenant can and does transfer his property. The only thing that happens is that he does not get fair value for his land and this is what the Act intends to provide for. It intends that henceforth the tenant should not only be able to transfer his land but should be able to get a fair and adequate price for his land.

It has been suggested in some quarters that the Bill introduced by the Hon'ble Member is a Tenants' Protection Bill. I beg wholly to differ from that proposition. I should rather consider that it is a Landlords' Protection Bill—for it proposes to invest the landlord with powers which are new, enormous and offensive—powers, which he does not possess now and which he has never possessed in all the history of landlordism in Bengal. What is it that you propose to give? In the first place you propose to give 25 per cent. of the purchase money by way of salami. As I have already told you, every year there is transfer to the extent of two crores of rupees. It means then that, by this piece of legislation, you make a free gift of 50 lakhs of rupees annually to the landlords—a perpetuation of Lord Cornwallis' colossal folly and blunder! In the second place, you give the zamindar a prior right of purchase in every case of transfer. If "A" transfers his land to "B," the landlord may at once step in and say: "No, I shall pay you 10 per cent. more, and you must transfer the land to me," and the tenant will have to do so at once or be dragged to the law courts. By this right of prior purchase you give the landlord a power which he has never possessed in the whole history of landlordism: and yet you have the hardihood to say that it is a Tenants' Protection Act! Salami of 25 per cent., right of prior purchase, right to trees planted before 1928—what more can the landlord possibly desire? In point of fact, everyone of these provisions will have to be modified, nay, not modified only, everyone of them will have to be

deleted from the Statute Book before the Bill emerges from the Council; or we, the representatives of the people, shall be failing in our duty.

Sir, I would not have raised these points to-day, but I felt that it was necessary to give some indication of our attitude towards the Bill even at this early date. My position throughout has been this—that the Tenancy Act ought, for the time at least, to heal and quieten all strife between the landlord and the tenant. The principle that we should adopt in our legislation is not that the Bill must be framed in favour of the landlord or of the tenant; it must be enacted with a view to the economic welfare of the whole of Bengal. We have to see, not whether the landlord or tenant benefits temporarily but whether, as the result of our measures, the economic position of the country is permanently improved so as to feed and sustain the growing population of the land—a population that have been sadly impoverished in the past under the misrule and tyranny of the zamindars. I hope the zamindars of Bengal will be wise in their generation. I hope they will not carry matters too far. If they take a high and mighty attitude, their ruin as a class is sure and impending, because every day the tenant is becoming more and more conscious of his rights, every day he is learning more and more how to organize and stand up in defence of his just privileges. If justice is denied to him much longer, it is possible that he will suffer in silence for a decade or twenty years more—but then, in the fulness of time, the tenant's day will dawn—the tenantry of Bengal will rise in all the might and majesty of their righteous wrath and sweep away the offending landlords from the path like chaff before the wind.

Srijut RAGENDRA NATH SEN: My friend Khan Bahadur Azizul Haque has congratulated the Hon'ble Sir Provash Chunder Mitter on the introduction of his Bill. I cannot congratulate the Hon'ble Sir Provash Chunder Mitter on the nature of the Bill that he has been pleased to place before this House, because of the simple fact, which has been alluded to by my learned friend, the Khan Bahadur, that it is an incomplete and unsatisfactory legislation. In our younger days we heard of a European I.C.S., Judge of Patna, who, while inspecting the records of a Sub-Judge's office, came across a number of cases in which judgments were pending. He asked an explanation of the Sub-Judge who told him that the cases were intricate and he must consider before delivering judgment. The District Judge told him that what the people wanted was judgment and to give them some—as if any sort of judgment would be pleasing to the litigants.

4-15 p.m.

The Hon'ble Sir P. C. Mitter, Member in charge of the Revenue Department of this Council, has introduced this Bill. Because the people wanted some amendment of the Bengal Tenancy Act, so some

sort of amendment must be placed before the Legislative Council in order to give some temporary peace. The amendment to the Bengal Tenancy Act passed in 1885 has long been overdue. The people are clamouring for it, so let there be some amendment: good, bad or indifferent does not matter. This is exactly the state of mind with which Government have presented the country with such a Bill. The Hon'ble Sir P. C. Mitter, who is to pilot the present Bill in this Session of the Council, in his minute of dissent to the Bill of 1926, which is practically the same as the present Bill, emphatically declared that he was opposed to this piecemeal legislation by amending an antiquated Act. His objections to the 1926 Bill were fundamental as he then stated, because in the interval of nearly 50 years which has elapsed between the date of the Rent Law Commissioner's Report upon which the Tenancy Act of 1885 was based and the present time, many difficult problems not in existence then have to be dealt with now and the grave defects of a Code not in itself complete and so unsatisfactory could not be met by tinkering legislation. In 1926 Sir Provash was decidedly of the opinion that a complete code and not a tinkering legislation would meet the situation. And he was further of the opinion that the true solution of agrarian problems lay in wide and fundamental departure from the present system. Noble sentiments nobly and fearlessly expressed by Sir Provash. But, alas! the Sir Provash of 1926 is not the same as the Hon'ble Sir P. C. Mitter, Revenue Member of the Executive Council of the Government of Bengal. On his transference to the Executive Council his angle of vision needs a distinct change, otherwise how will the people be able to understand this change. If inconsistency is not to be the sine qua non of a high placed Government official what else should it be. So what Sir Provash then said should all be discarded and disgorged by the present Hon'ble Revenue Member of Government. And this incomplete and unsatisfactory Bill based upon no regard for the economic well-being of the people should be hurriedly passed through simply because the amendment to the Tenancy Act has long been overdue.

And the same remark applies to Mr. Hopkyns and Khan Bahadur Mumin. They in 1926 deprecated the action of the Select Committee for its having rejected the main object of the Bill of preventing the non-agriculturist from debarring the actual cultivator from acquiring substantial rights in the soil. And still these two honourable members of Council will have to oppose any motion for legislation on a comprehensive and far-reaching basis.

In my humble opinion the incomplete and unsatisfactory Act of 1885 should be attempted to be replaced by a legislation which may be reasonably expected to solve the various agrarian and economical problems with which both the tenant and the landlord find himself entangled. Under the Act of 1885 the position of both have become precarious and uncertain because none has any permanent or abiding

interest in his land, and the true solution lies in giving both the tenant and the landlord such rights and privileges as to bring contentment and happiness to both, so that both may feel that the land is his. Unless such a feeling can be brought about it would be absolutely impossible for anyone to live in peace.

Ours is essentially an agricultural country, and the aim of the true administrator and the true patriot should be to see that agriculture thrives, and that a bold peasantry is maintained and nurtured because a bold peasantry when once destroyed can never be supplied. That the peasant population of the country and the agriculturists are the mainstay of the country have been more than demonstrated by the recent happenings in Bardoli—that they are the only people who have a real and unbreakable backbone has been more than amply demonstrated—so all attempts at legislation should proceed on the lines by which it would be possible to improve the condition of agriculture and of the agriculturists in this land of ours. But the other fact should never be forgotten, that is, that the zamindars, although a much maligned body, are the mainstay of society provided that they do not degenerate into simple rent-receivers and so acting as a sort of post office or a conduit pipe between the people and Government. The true function of a zemindar, according to the terms of the Permanent Settlement and traditions, lies in the fact that they should be the true interpreter between the State and the people. The absentee zamindar has been the curse of the country, and in my opinion the landlords of the country should endeavour to bring this fact prominently before all concerned.

If the object of legislation is to be the curtailment of litigation and the advancement of the economic well-being of the people then it must be confessed that the present Bill is as unsatisfactory as the present Act itself. With the gradual development of democratic instincts of the people there needs be a gradual development of the law of landlords and tenants; but the development of laws being in the hands of an alien Government this latter development has not been able to keep pace with the former: and hence the discontent is great, and so litigation has multiplied to an alarming extent. If the interest of the tenant in his land is definite and sure then only can there be any hope of the disappearance of discontentment. The absolutely uncertain status of the major portion of the tenants—the uncertainty both as regards right and title as well as regards the limit of enhancement of the rent are factors which are sufficient to unnerve even the most steel-nerved man. Heritability, transferability and the permanence of possession are the elements which require the closest and the most careful attention of the legislator. Unfortunately, the Bill has not attempted any proper solution of any of these matters. Instead of attempting to apply boldly the surgeon's knife to eradicate the evil, this present Bill has only attempted to conceal the wound by an ointment designed to effect a superficial healing only. This is not statesmanship.

As has been observed by Khan Bahadur Azizul Haque, let us hope with him, that the time is not far distant when the true solution of this problem which concerns both the landlord and the tenant, which constitute 90 per cent. of the population of Bengal, will not be a matter of distant and practical politics.

Maulvi ABUL KASEM: I join with my friend Khan Bahadur Azizul Haque in offering my congratulations to Government for after all introducing this Bill. On two consecutive sessions of this Council we have passed a vote of censure on the Government for their neglect in this matter. I however regret that the Bill as it has been introduced is not satisfactory, or at least as satisfactory as we should have expected it, considering the time and money that have been spent upon it. Committees after Committees have sat and discussed the provisions and minor details of the Act of 1885 before the present Bill was drafted. I quite realise the difficulty of the members of the Government as they have to face the opposition of the zamindars and at the same time to consider the rights and the interest of the cultivators—the dumb millions. Mention has been made about a comprehensive legislation, as my friend Mr. J. L. Bannerjee has stated, which will raise the productive powers of the raiyats and the economic condition of the people. I have heard of zamindars, of tenants, of raiyats and under-raiyats, but I stand only for the class of men who are the actual cultivators of the land. He is the man who earns, he is the man who produces wealth, and the rest live upon him. If I am permitted to say this, the zamindars, the talukdars and the tenure-holders—every class of them—live upon the toils of the cultivators. They live upon the toils and they live upon the earnings and upon the labours of these cultivators. It has been said that the cultivators will be deprived of their lands if the right of transfer is given to them. My friend has pointed out that they have better sense in them, they can protect themselves; and as it has been stated that the only difference that the right of transfer will make will be that the tenant or cultivator will get a better price than what he gets to-day. Sir, the British Government of this country have been all these times interested in, and have taken under their patronizing wings, the landholding classes. The Permanent Settlement which my friend, Mr. J. L. Bannerjee, has characterised as an act of blunder on the part of Lord Cornwallis, if it is an admitted mistake, the sooner it is remedied the better. But all the same I may say Government have all along tried to build cities out of money realised from rural areas. Our cities, municipal towns with their water-supplies, with their electric lights and other amenities of life, have dragged the well-to-do people from the rural areas into towns; and the result has been that the rural areas and the people who have to live in those tracts of land are left entirely at the mercy of illiterate and poor impoverished cultivators. We have been told, and told by responsible people who ought to have known

better, that zamindars under the Act of 1885 receive only a fixed rent; and with the rise in the price of the food grains the cultivators have a much larger income than they used to get. We have been told in another connection that the tax of one pie in the rupee gives the zamindars a proportionately much more greater percentage of the income than that the cultivators or the tenants get. But, Sir, I want to know what the cultivator gets, be he a tenant, be he a raiyat or under-raiyat. I do not understand the intricacies of revenue law but I am interested in the actual tillers of the land. It has been said that they have gained much by the rise in prices. How is it? I want to know if the landlords concerned and the economic conditions of the raiyats and of the tenantry have improved under this law, but I see he is still a cultivator, he is still a man who cannot make a living, he is still one of the toiling and suffering millions. I think the time has come that the Government should take drastic measures to see that the rural areas and the people and the tiller of the land are put in a better position. Otherwise the future of Bengal will be very dark indeed. You must remember the actual cultivators are the real people of Bengal and others are mere, if not interlopers, middlemen.

4-30 p.m.

In my opinion, Sir, justice demands that between the raiyat and the State there should not be any middleman; but, unfortunately, what is the condition in this country? There is hardly a single acre of land in Bengal without a host of people living on it: there is the man who tills it, then there is the patnidar, the talukdar, and the zamindar. One acre of land has to support all these people. That is neither economic nor judicious.

Sir, we have been told that the zamindars have received the benefit of unearned increments. My friends know very well that the zamindars have failed in their duty in not providing for irrigation, embankments, and other things. I say that not only the zamindars have failed in their duty, but I might say that they have abused their rights by converting irrigation tanks into arable lands and by allowing embankments to break down, and also by obstructing the drainage. Sir, even our grazing grounds, our bhagars are being now utilised by the zamindars as khas land, and they are letting them out to fresh tenants. Sir, the zamindars have not only failed in their duty to provide facilities for the improvement of the agricultural and sanitary condition of the rural areas, but they have also increased their income by various means.

Sir, I have another grievance, and that is that we, the people of the Burdwan Division, labour under a double misfortune. The fact is that even the Permanent Settlement have not benefited our poor zamindars. At the time of the Permanent Settlement, Sir, unfortunately for us, the land—almost every acre of the land—in my part of

the country was under cultivation, and these lands were fertile lands. If I may say so, the fertility of the agricultural land in Burdwan was the highest in the whole of Bengal, if not in the whole of India. Sir, accordingly, the permanent revenue was fixed at that time at a very high rate. The revenue was calculated on the basis of the rents that were realised from the tenants at the time, whereas in other parts of Bengal, Bihar, and Orissa, which contained large tracts of uncultivated land, the rents realisable were very small, and consequently the revenue that was assessed was very low. The zamindars outside the Burdwan Division now receive in many cases about 10 or 20 times the actual rent which they received at the time of the introduction of the Permanent Settlement. But, I am not here to argue the case on behalf of the zamindars of the Burdwan Division. I say that the Permanent Settlement and the revenue system have affected injuriously both the zamindars and the tenants there, because after the settlement was made it was found that the revenue fixed was so heavy that it became impossible for even such a big zamindar like the Maharajadhiraja Bahadur of Burdwan to meet his revenue demand, and fresh legislation had to be enacted in order to facilitate the realisation of rent by him, with the result that a number of people, who were mere rent collectors or gomostas were converted into the dignified title of zamindars. Unfortunately, their remuneration for collecting rent on behalf of the Burdwan Raj—or if you like you may call it the margin of profit—is so very small that they have to augment it by means legal or illegal, fair or unfair, and the people who suffer most are the tenants. Sir, it is a matter of wonder to outsiders that a province like Bengal, which is reputed to be the most fertile in the whole of India, should suffer from distress. What is the reason that if there is one failure of crop there is famine in the country? We have heard of harrowing tales of famine in Balurghat, Bankura, Birbhum and other parts of the country. Statesmanship demands that we must look to the reasons which bring about situations like this. How is it that a man, who is an agriculturist and who is the producer of food grains, finds himself in a miserable condition at one failure of crop? There must be something wrong at the bottom of this. I am told that export is at the root of this. With due deference to my friends, I say that export is also necessary in order to enable the agriculturist to find a market for his surplus produce. However, I submit that Government have for a long time neglected its duty to the agriculturists and to the people in the rural area. The reason is not far to seek. The Britishers are a people who come from a democratic race, and they always pay attention to those who can shout the loudest. The poor agriculturists are not visible anywhere and nobody voiced his grievances till this Council came into existence. He is one of the dumb millions.

I have spoken about my part of the country, I mean Burdwan. I say that we are rack-rented; the fertility of our lands have also been destroyed. To-day we are deprived of the fertilising forces by the action of the zamindars and the railways. I do not say that railways should not have been constructed, but the embankments which have been built for the protection of the railways and of the towns have caused us great loss. We in the district of Burdwan suffer from two evils, namely, want of irrigation as well as want of protection from floods. It is very difficult to make the Government understand and realise the position. I hope that in the course of the discussion on this Bill and hereafter every attempt will be made to see that justice is done to the agriculturist, who is the real man in the land: everybody else is an outsider.

[At 4-40 p.m. the Council was adjourned and it re-assembled at 4-50 p.m.]

Sir ABD-UR-RAHIM: Sir, I ought to make clear at the outset that I am neither a landlord nor a tenant within the meaning of the law. I hope therefore that no one will suppose that I am biassed in favour of one party or the other. At the same time I should not be frank to the House if I did not say at once that having gone through the provisions of the Bill my sympathies are entirely with the tenant. I have considered very carefully the salient provisions of the Bill and I have come to this conclusion that as a whole this amending Bill will make the position of the tenants much worse than it is now and will enrich the landlords at their expense. I am not surprised that Sir Provash Chunder Mitter, who until the other day was representing a landlord constituency in this Council and was the Secretary of the British Indian Association, is in charge of this Bill, and that one of his principal supporters is Sir Abdelkerim Ghuznavi. There is no hoodwinking the fact that as things stand at present the interests of the landlord and the tenant are in collision—are in serious conflict. It is no use saying that the best friends of the tenants are the landlords. It may or may not have been so in olden days when economic competition was not so keen as it is now; but it is certainly not the case at the present time. I remember Sir P. C. Mitter saying more than once that 95 per cent. of the landlords were in debt, due partly to their extravagance or improvidence and partly to other causes, and if he had anything to do with the framing of this Bill, he could not have devised a measure more fitted to enrich the landlords at the expense of the tenants. I do not know—at least, I do not quite remember—how this Bill originated and with whom lies the initial responsibility. If the British members of the Government and the British officials had anything to do with the initiation of an amending Bill, I cannot conceive that they had in their mind anything like what it is proposed to do at the present moment. As it stands, it is

really a Bill for the spoliation of the raiyats. The Conservative Government in the British Parliament have for a long time been passing legislative measures one after another for ameliorating the condition of the masses of England. The Labour Party, which is the next strongest party in England, may soon come into power: one of their members has been speaking very eloquently about the half-starved millions of Bengal and the poor peasants who are chronically in debt. I want them as well as Lord Birkenhead, who has been speaking so often about the Britishers being the guardians of the people—the dumb millions—of India, to take note of this Bill and to watch the progress of this Bill from their places in Parliament.

Sir, as regards the merits of the Bill, generally speaking, the position is this. I do not want to enter into a historical discussion as regards the Permanent Settlement: what was the position of the so-called zamindars in those days and what it is now. I know that the British Indian Association claim that they are the owners of Bengal. It is a high and mighty claim. What is the relation between the landlords and the tenants, as the law stands at present? Tenants, even under Lord Cornwallis's Permanent Settlement, were conceded the right to occupy and cultivate the land; that is what is called the occupancy right. Lord Cornwallis with his ideas of mediæval England thought that the landlords, who in those days, were really nothing but bailiffs for the collection of rent, were in fact the real owners of the soil.

5 p.m.

Let us examine the main provisions of the Bill. What is the position? The raiyats admittedly have the right to occupy and cultivate the land and the zamindars admittedly have no such right. Their right is to receive the rent only. If that be so, what excuse can there be for making any provision in the Bill which would justify the landlords in asking for 25 per cent. of the price when a tenant transfers his occupancy right from one person to another. If the landlords had any right of occupancy or any share in that right surely they could occupy so much of the land whenever they so chose. But admittedly they cannot do that. They cannot demand eviction of the tenants unless they are in arrears or in default. What legal basis can there possibly be for the landlords to claim one-fourth of the price in which he has no share whatever?

Then, take another important provision—the right of pre-emption. Who ever heard that the landlord had ever such a right? What sort of policy can it be to confer this new right on the landlords? Does not Government realise what its effect would be? It would be really transferring all the lands gradually into the hands of the landlords who do not cultivate and do not even live on their zamindaris. What will then be the position of the tenants? I want the British members of Government and the British non-official members of this House to

bear this in mind, that these peasants of Bengal, these raiyats of Bengal are the dumb millions who cannot protect themselves—if you deprive them of their interest in the land the consequence will be that you will be turning them into mere serfs. That will be exactly the position. You will be turning them into day-labourers—mere coolies. The Government should think well before this serious step is taken. I am surprised that any British officers of Government should have taken part in framing a measure of this kind. Mind you, Sir, Government had enough warning. Even the High Court when consulted about this matter gave its opinion that there was danger in conferring the right of pre-emption on the landlord. Consider what the consequence will be. If you pass this provision of the Bill you will be virtually turning millions of people into mere serfs, and I want the British members of this House to consider this aspect of the position very carefully. I do not know, Sir, what their attitude is going to be. The question is, are you going to turn all these masses of people into mere day-labourers and coolies? What will then be the economic condition of Bengal? It is bad enough as it is. Can you not imagine what it will be when these millions have no more interest in the land which they now call their own, which they can leave to their children—when they will be reduced to the position of mere day-labourers. We have had the Agricultural Commission on which lakhs of rupees have been spent although its production so far as I have seen from the papers is poor indeed. Their object was to devise measures for improving the economic value of the land and the condition of the masses who cultivate the land. But, Sir, what will be the result of a measure like this? It will greatly reduce the economic power of the land. The productivity of land will surely go down and will go down very rapidly, for the raiyats when they find that they have no more interest in the land will take very little interest in its cultivation. This is a matter for serious consideration for everybody in Bengal. I was amazed, when I found, that the British members of Government allowed the Bill in its present form to come before the Council. I do not say that there are not some provisions in the Bill which will give some relief to the raiyats, but if you take it as a whole I am convinced, Sir, the result will be disastrous for the raiyats. I am sure, I am not painting the picture too dark. I have gone through the opinions of some of the officers who have been working in the districts and I find, Sir, they are opposed to, or at least do not support many of the provisions of the Bill. They base their opinion on personal experience. I say further that if the landlords themselves are to look really to their interests they should take a long view of things but not as Sir Abdelkerim Ghuznavi would look at them. Otherwise, they would be killing the goose that laid the golden eggs for them. I hope, Sir, when this Bill is discussed clause by clause, those members who are at all interested in the fate of the peasantry of this country, men

on whose well-being depends the prosperity of Bengal, I hope they will consider the provisions very carefully indeed and if they do not understand the tenancy law as it is at present and what the effect of the new Bill is going to be they will consult lawyers and take the advice of those who know the subject.

The Bill will soon come to this Council for consideration clause by clause and as I have said in the beginning my sympathy is entirely with the tenants. I do not want to do the least injustice to the landlords however. They are a powerful class and form more than 60 per cent. of this Council and they can take care of themselves. I know the bigger landlords are fewer. But, Sir, I am more afraid of the smaller landlords, against whom especially we shall have to guard ourselves. When the Bill comes up, I hope, all of us, especially those who are neither landlords nor tenants will take an unbiassed view of the situation and enable the peasantry of Bengal to live under conditions of self respect and freedom and a fair amount of comfort.

Mr. A. K. FAZL-UL HUQ: It was quite in the fitness of things that the debate on the provisions of the Bill which my friend, Babu Jitendralal Bannerjee, has very rightly characterised as a landlords' measure should have been opened by Sir Abdelkerim Ghuznavi, the representative of the zamindars' interests in this Council. To us, Sir, on this side of the House, who represent the interests of the tenants, it has been a most pleasant surprise to hear Sir Abdelkerim Ghuznavi declare with refreshing candour that the interests of the zamindars and the tenants in Bengal are identical. Who can doubt a statement like this coming from such an exalted quarter? When the tenants want to exercise the most elementary proprietary right in the land, does not the zamindar come down upon him and does that not prove that the interests of the zamindars and the tenants are identical? As in the story of the lamb and the wolf, when the wolf appeared before the lamb and said that he was going to make a meal of him in which the lamb agreed to the proposition laid down by the wolf and submitted to be devoured by him without protest; does not that prove that the interests of the wolf and the lamb are identical? Equally, when the illiterate, mute peasantry of Bengal submit meekly to the exactions of the zamindars; does not that prove that the interests of the two classes are identical? When the tenant wants to cut down for fuel the trees which have been grown by himself or his father or his grandfather or any of his ancestors, does not the zamindar come down upon them and demand compensation for this most elementary exercise of his proprietary right? When the tenants want to transfer their holdings and thereby raise some little money wherewith to pay their rent, does not the zamindar come forward and say that he is entitled to salami? And does not this prove that their interests are identical? However, the question whether these interests are identical

or not will be put to the acid test from Monday onwards when we shall have to go to the division lobby on the clauses that will be put before the Council. It will be an acid test not merely for the zamindars but for the Government also and for our friends on the left and for everybody in this Council, and the world will see how the professions of loyalty towards the interests of the tenants—illiterate, mute millions—are sincere or merely lip professions.

Sir, the zamindars claim that they are the proprietors of the soil and as such they are entitled to salami and other payments and exactions, when the tenants exercise certain rights over the land. I do not wish to discuss this question at length at the present moment, but I want to say a few words as regards the rights that have been incessantly put forward on behalf of the zamindars. It is well known that in ancient times, under the system of village communities, the land used to be the property of the village community itself. Later on, when individual proprietorship grew up and kings and sovereigns came into being, they had the authority of taking only a share of the produce of the land. The Muhammadan rulers did not disturb the system that they found existing in the land and even in their time the zamindars appeared as rent-collectors with certain duties of looking after the welfare of the people; they also collected revenue and exercised certain criminal and civil powers. When this question was discussed at the time of the Permanent Settlement and Lord Cornwallis declared that settlement of the land may be made with the zamindars they thought that the expression used in the Permanent Settlement Regulations was really a charter of their rights of proprietorship over the land. It is now a matter of history that in 1865 when the great rent case came up before the Hon'ble High Court, it was heard by a special bench of thirteen Judges in Calcutta and the majority of the Judges declared that that was not the meaning of the expression used in the Permanent Settlement Regulations and that the zamindars were not really the proprietors of the soil. I do not wish to discuss the question but I say that in equity, in justice and in all conscience, the zamindars are not entitled to any right on the land beyond the right of rent: They have absolutely no right to interfere with the rights exercised by the tenants, beyond asking them to pay rent due to their holdings. Anything that the zamindars ask for beyond that from the tenants for their occupancy of the soil is nothing but exaction and extortion. Does the local Government mean to allow them to go on with these exactions? Does the local Government mean to allow them to extort this unearned increment—things which are not their due?

As Sir Abdur Rahim and Babu Jitendralal Bannerjee have pointed out and as speaker after speaker has pointed out, the amending Bill instead of relieving the condition of the peasantry of Bengal is really going to make their condition worse.

Now take the case of the new right that is to be conferred on the landlords—the right of pre-emption.

5-30 p.m.

Why, because it is said that the landlords should have the right of consent whether a transfer should be made to an undesirable tenant. Will my friend Sir Provash Chunder Mitter and all the zamindars present in this Council explain to us the difference between an undesirable tenant and an undesirable landlord? If the landlord has the right to object to an undesirable tenant, I do not see why the tenant should not have the right to resent an undesirable landlord. If that right is given to the zamindar, let a corresponding right be given to the tenant as well. I say the zamindars are not entitled to this right of pre-emption.

Coming to the question as to how far the zamindars are entitled to our support and sympathy, roughly speaking, the zamindars with a rent-roll of Rs. 50,000 and upwards really have under them a tenantry which is about 50 per cent. of the tenantry of the whole of Bengal, or in other words, the tenants who pay to the zamindars a rent-roll of Rs. 50,000 and upwards are about half the total of the tenantry of Bengal. Rupees 50,000 and upwards would certainly be a fair income for any individual zamindar. What have these zamindars done to relieve the distress or even to inaugurate schemes of improvement so far as their zamindaries are concerned? Only the other day we were blaming the Government for not coming forward with sufficient help to relieve the distress in the Balurghat subdivision of Dinajpur. Will anyone in this Council stand up and say that we knew that there was distress, that Government knew that there was distress, but that they were unable to help the situation? Has any zamindar come forward to pay a single pice, anything appreciable towards the subscription list for the relief of the distress? It is no use blaming the bureaucracy —it is no use blaming the European as exploiters of India. What have the zamindars done? How many schools have our zamindars started in Bengal? How many wells have they excavated in Bengal? How many roads have they constructed? How many bridges have they built? As a matter of fact when there is a scarcity of water in Bengal, if the poor tenant wants to dig a tank, down comes the zamindar who prevents him from excavating the tank. That is the kind of duty they have been performing towards the tenants; that is the way they have been performing their obligations to the tenants; and that is the way they have been observing the solemn pledges at the cost of the Permanent Settlement which they got from Lord Cornwallis. If that is the way they have been discharging their duties, they have absolutely no reason—no claim—to come forward in the Council and plead for an expansion of their rights. We on this side will not be obstructive

but will see how this Bill emerges from this Council, clause by clause, and will see when the time comes which way goes the sympathy of the people of the country.

As regards the other provisions of the Bill, I think it is not necessary that I should discuss them at present. They will come up in connection with the various amendments of which notices have been given, but I say in conclusion that unless this Bill is amended, and amended so as to prevent a real catastrophy coming to the tenantry of Bengal, it will be a reactionary measure and will be regarded by the millons of Bengal as a real curse.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I am sorry to find that much heated discussion has been introduced. I can assure the House, on behalf of my fellow zamindars, that we do not like to enter into any quarrel; but to take a wider view instead of taking the narrow view as a class.

As oue of the representatives of the landholding class in this Council I desire to speak a few words on the present Bill as it concerns vitally the interest of the community. I desire to express discontent with the present Bengal Tenancy (Amendment) Bill. I regret that my fellow zamindars are not here in sufficient numbers to express their sense of disapproval. Of the five seats allotted to us, one has already been absorbed by your appointment as President of the Council. The second has been lost, and by a strange irony of fate we find, a staunch supporter of the landholding element in Bengal, Hon'ble Member of the Executive Council, whose duty will be to pilot a measure through the Council, which is ostensively for the welfare of the tenant and under-tenant.

Let me say fully and frankly my views. The zamindars are opposed to such piecemeal legislation. This Bill, instead of maintaining our rights and privileges or giving any concession or relief, has practically curtailed our rights handed over to us from generation to generation. Zamindars, by this Bill, will be deprived of their rights and privileges given by solemn pact to them by virtue of Permanent Settlement of 1793.

By conferring these rights neither the zamindars nor the tenant will be benefited. Such rights will result in money-lenders and other speculators seizing the land. They will possess the rights of occupancy, under the fictitious name of occupancy raiyats, they will cause havoc in the whole system. By a process of sub-infeudation they will raise the rank of the tenant without contributing to capital or to labour, they will in the end enjoy rights not theirs. This Bill is intended to help the cultivator, it will result in helping the middlemen or the speculator. Trees will be cut down at the tenant's choice, causing a serious drain to the land.

As regards the cutting of trees, I can definitely state that it will mean ruin to the land. For instance, a raiyat is a needy man, he cuts down a tree for the timber. Trees do not grow in a day; and when the raiyat has transferred his occupancy, the land deteriorates in value; even in cases of the sons inheriting, they will find the land less in value.

Some questions have been raised with regard to the proprietary right of the zamindars; but people should not think that the land was the gift of the Government. Zamindars had to purchase it by paying proper prices and have since improved the land.

At the time of the Permanent Settlement the land was low in value and the land had to seek for the tenant; now owing to the efforts of the zamindars, who are so maligned by the people, these very lands have risen in value, so that the tenants seek for the land.

As regards the enhancement of rent to tenants, it is very interesting to note that from the days of Permanent Settlement in 1793 to this day, the enhancement in the way of rent from tenants is ·0000001. This is a startling figure to quote, but it is true.

Sir, there are some persons who have purchased lands from tenants but as their position and circumstances do not allow them to cultivate the lands by themselves, they let out the same to the bhagidar. The principle applied to the zamindars and the tenants should apply equally well with regard to the tenants and under-tenants or bhagidars. May I know, Sir, how far these tenants have done their duty to improve the condition of the land and their under-tenants? On the other hand when any opportunity occurs these tenants or their representatives come forward and put the whole blame of neglect on the shoulders of the zamindars. May I ask, Sir, have not these tenants some duty with regard to the improvement of the land and towards the under-raiyats?

My friend, the hon'ble Mr. Fazl-ul Huq has raised the question of negligence of the zamindars for not contributing anything in the last famine. Sir, no one can deny that both the zamindars and the tenants are equally affected by the scarcity. In my opinion zamindars have been affected more. They have to pay revenue all in strict time; whereas a tenant may wait for four years. If you consult the list you would find that everywhere the zamindars have contributed something towards the fund as far as they can provide. I deny the charge put forth against the zamindars.

The zamindars are always willing to grant concessions to their tenants, but they cannot and will not allow a direct infringement of their own vested rights. Such action as outlined in the Bill, in giving rights to outsiders and others; will deprive the zamindars of their time-honoured rights.

I am not using the language of exaggeration when I say that this Bill has caused and will continue to cause consternation and alarm in our midst, and has seriously called in question our loyalty, as a body, to those in whom we have hitherto placed our trust.

Khan Bahadur Maulvi EKRAMUL HUQ: I may say at the outset that this Bill was long overdue and the Government of His Excellency Sir Stanley Jackson ought to be thanked for bringing this Bill before the House. I have been in this Council for the last 7 or 8 years, and I may inform the House that those persons who consider it their duty to befriend tenants had from the beginning raised the question of bringing the Tenancy Amendment Bill before the House. We had hoped that even in the first three years of the Council this Bill would have come, but it did not. I may say that there could be some excuse for that, but there was absolutely none for the Government or for the Hon'ble Member in charge or any person who had anything to do with Government to shelve this Bill for the last three or four years of the last Council. We need not explain the reasons why and we should, under the circumstances, draw a veil over the past. I am perfectly certain that the members who are in charge of Government would never have thought of bringing this Bill before this Council, had not the members of this Council times without number made it plain that the Government were working against the masses all the time, and that the Government were also censured by this House.

5-30 p.m.

Now, Sir, that the Bill is before the House, let us look into the fact whether the Bill really endeavours to give such rights as the tenants consider to be their due. First of all, there is the question of transferability of the holdings. In discussing this question Sir Abd-ur-Rahim and Mr. Fazl-ul Huq have given us a history of the Permanent Settlement and I may add this much that if you look into the old history, you will find that even in the Hindu and Muhammadan reigns the only person who had the proprietary rights over the soil were those who cultivated the land. Manu in his Code has said that the proprietorship of the land rested with the person, who cultivated it. Leaving aside old history let us take a humanitarian point of view and extend to the tenants full rights over the land. When you consider the right of transferability, you will find that this right has not at all been given to the tenants.

We have been told by our worthy friend, Hadji Sir Abdelkerim Ghuznavi, that the zamindars in the past allowed the tenants many sorts of rights, and he as a representative of the zamindar has informed

the Council that he and his friends would always be ready to do what is right and just and concede what is good to the tenants. Whatever he has said before the House, has he actually voiced the real sentiments of himself and his other brother councillors? He has said that his predecessors and some other zamindars have done a good lot for the tenants in the past. He and his comrades will be so many proverbial potatoes, because their best portion will be under the ground if they do not emulate their forefathers and concede all rights to the tenantry. Those zamindars who did good to their tenants had the willingness to do their duty, but why others are not coming forward to stand by them in granting them their full rights. As you know, Sir, the tenants had the right of transferability, but it was gradually and clandestinely that the zamindars infringed upon that right. There are many places and districts in which the tenants have unrestricted right to transfer their lands. There are also many places and many districts in which the tenants have the right to cut their own trees. Sir, will it be right to compel the tenants to pay 25 per cent. as nazar to the landlords and to part with the ownership of the trees. This is drawing a veil over the past to say that the rights which the tenants exercised should not be exercised by them. This right in fact existed, and there is absolutely no reason why the zamindars should at this time of the day come forward and say that not only should they have the right of taking 25 per cent. but they should have the further right of pre-emption. Sir, if the zamindars be granted the right of taking 25 per cent. and the right of pre-emption, the result will be that the tenants will be further ruined. The right of pre-emption which these zamindars never possessed and ought never to possess will give them a handle to oppress the tenants all the more Is it not a fact that when tenants intend to purchase lands of another person, there are in the field rival bidders and it will be to the interest of the rival bidders to offer a higher salami and the zamindars in some cases where he has no desire to go against the purchaser might exact a higher amount from the purchaser? Further by granting this right, we are in fact putting the collectors of rent in the position of the cultivators of the soil. Is it the experience of this House that these persons have ever cultivated the soil? They never did it, they will never do it. All that they would do is to let the land out to the highest bidder and enhance the rent that was actually existing before the purchase was made. You will thus be conceding a right which is detrimental to the interest of the tenant and I submit that the Government and also the European gentlemen who are members of this Council should never be a party to such a concession being given to the zamindars. I hope that the Government as well as the European members, will rise to the height of the occasion in supporting the tenantry in getting full and unrestricted rights of transferability. It has been said that if you grant them the right to transfer their lands, you will be giving a handle to the mahajans to

become proprietors of the soil. This is shedding crocodile tears. If you actually like that the mahajans should be the tenants of the soil, then I hope every one of us here in the Council will join with me in supporting my amendment that not a pice of salami should be levied by the zamindar when the transfer is made to a tenant or a permanent resident of the village. It will be the duty of everyone of us to restrict the sale only to the villagers and not to the mahajans who are outsiders. My friend, Sir Abdelkerim Ghuznavi, nods and says that he would like that. If that is his view and if that be the view of his brother zamindars, I am thankful to them. I have said in my amendment that whenever a transfer is made to a co-tenant or a permanent resident in the village there will be absolutely no question either of the 25 per cent. salami or the right of pre-emption. If you join hands with me and the other members of this Council to grant this right to the tenantry of the villages, all honour to you and your friends; but if you don't, well, I do not know what the verdict of the country and of the members of this House will be.

It has been urged by my friend, Mr. Abul Kasem, that some rights should be given to the actual cultivators of the soil. I am at one with Mr Abul Kasem and in the endeavour that is being made by members of Government to give some rights to the cultivators of the soil. To this, I know, that some of the middle class men would raise the objection that if the right is conceded to the actual cultivators of the soil, what would be the fate of the middle class men. There should be some provision in particular cases to give some such rights. So far as I am concerned, Sir, I have placed for the consideration of the House an amendment that a burgadar who holds under a tenant or a jotedar holding less than 200 bighas should not be a tenant but in other cases he should become a tenant and enjoy all rights. Does this not protect the middle class men from being ousted from the land which they possess.

It should be the endeavour of every one of us to see that our people are contented and happy. If you want to spread contentment among the masses, it is also our duty to see that the middle class men are not discontented; and I am sure that the members of this House will see that the middle class men are not wiped out from the politics of this country. I hope, Sir, that we shall, in the words of Sir Provash Chunder Mitter, be both just and fair. We should be fair to the cultivators, the actual proprietors of the soil who toil day and night and do not get two meals a day; and we should also be fair to the middle class men who are holding the lands which are the only means of their sustenance; we should also be fair to the zamindars as well.

May I ask, what was the amount the zamindars were actually getting when the Permanent Settlement was first inaugurated?

A certain amount of revenue was set apart for Government and a certain allowance was made for the zamindar for his expense for realization. Is he keeping himself to that amount? In many cases he has increased it hundredfold. Can he say, after the lapse of about a century, that the tenants have been fairly treated. We find that the zamindars have been mostly unfair to the tenantry. Do you not in the least degree think that it was the duty of Government to protect the tenants? The rent which was only a few annas in the beginning has gone up to Rs. 2 or so; while the zamindars did not have to pay a single pice extra. So, Sir, neither Government, nor the zamindars helped the tenantry in improving their lot. It was the duty of the zamindars, as has been pointed out by the previous speakers, to effect improvements in the land. Have they effected any improvements? On the other hand, we have always found that they have not allowed the tenants to make any improvements whatsoever. If a tank is excavated for the use of the villagers, the zamindar comes forward and says: "You have used the land in such a way that it is made unfit for cultivation." So you have to give me a salami or fill up the tank. If a pucca building is put up, the tenant is told that the land is made unfit for cultivation, and that he has to pay a salami or demolish the building. It was the duty of the zamindars from the beginning to be fair to the tenants. It was their duty from the beginning not to raise the rents. Why did they not come forward and say "We want to raise the rent not because we have done any improvements, but because God has been kind to you and changed the course of a river." There is a rise in price of food grain and so the tenants must give enhancement. These lawless law of the land was made at the instance of the zamindars and allowed them to increase the rent.

[At this stage the member reached the time-limit but was allowed to continue for a minute.]

It is said that owing to rise in the price of food-stuffs the landlords have to increase their expense. Is it not a fact, Sir, that the tenants have to incur a good deal of expenditure in raising their crop and spend more in maintaining their family than before? Do the zamindars take these things into their consideration? Do the courts take these into consideration? I will conclude by saying that I hope Government as well as European members, and also my friends of the Swaraj party will take courage in both hands and concede to the tenants their right in regard to unrestricted transferability without salami and without pre-emption, and give no power to landlords to exact a single pice over and above the actual rent due

5-45 p.m.

Mr. BIJOY PRASAD SINGH ROY: Sir, I have listened with attention—I might say with rapt attention—to the speeches that have

just been delivered by some of the champions of the tenantry in this House, including my esteemed friends, Sir Abd-ur-Rahim, Mr. A. K. Fazl-ul Huq and Khan Bahadur Ekramul Huq. Sir, I must at the outset say that it is a matter of sincere regret that my friends forgot that the atmosphere which they attempted to create by their speeches was wholly unsuitable for the discussion of such an important and serious subject as the Bengal Tenancy (Amendment) Bill. Sir, I was at a loss to determine whether I was listening to a debate for the abolition of the Permanent Settlement or on the introduction of a Bill to amend the Bengal Tenancy Act. I shall not, therefore, emulate the example of my friends. Sir, Mr. Fazl-ul Huq had the audacity to ask what the landlords had done for the tenants in Bengal. How many schools have they established, how many roads have they built? I say that the number of schools and colleges, the number of educational institutions would have been less than three-fourths of what they are to-day but for the munificence of the landlords.

Khan Bahadur Maulvi EKRAMUL HUQ: What about the contributions from the tenants?

Mr. BIJOY PRASAD SINGH ROY: It is not possible for me to count them and name them one after another, but for example I would simply refer to the munificence of our esteemed countryman the Maharaja of Cossimbazar. What he has done for education in Bengal is known to the whole of Bengal—nay, to the whole of India. What was done by the ancestors of Maharaja Sir Prodyot Kumar Tagore? The Calcutta University owes a great deal to the munificence of the late Prosonno Kumar Tagore. As regards roads and other things, I need hardly recount them. They are known all over Bengal. Every inhabitant of Bengal, every foreigner who comes and lives in this province—even for a few years—is familiar with the activities of zamindars in this direction. I do not wish to defend the zamindars here, because they do not require any defence.

Sir, as regards the Bill itself, I must say that it has disappointed the zamindars as well as the tenants as it was bound to do, because it is not a comprehensive Bill which follows the spirit of the times. It does not recognise the right of free contract between the landlord and the tenant; on the other hand, it hampers, freedom of arrangement between them. It is no improvement on the Act of 1885. The relationship between the landlord and the tenant has been sought to be controlled by State interference.

Sir, Government in their anxiety to confer right of occupancy on the under-raiyats have forgotten that they are creating another set of rent receivers, and are thereby making the holdings altogether

uneconomic, which is very undesirable and which will make the position of the raiyats in Bengal more intolerable. Sir, I think that neither my esteemed friend Hon'ble Sir Provash Chunder Mitter nor anybody who had anything to do with the drafting of this Bill claims this Bill a perfect piece of legislation. Sir Provash Chunder Mitter has told us that it is after all a compromise, between conflicting interests, and I think we all agree with him on that point. It is really a compromise, and the Government have done their best to meet the grievances of all the parties, but unfortunately it will satisfy none. Because it will fail to settle some of the problems that have been troubling us for the last forty years.

Sir, the Government have conferred the right of transferability on the tenants and have deprived the zamindars of one of their valuable rights of proprietorship, which was conferred on them by the Act of 1793. Lord Cornwallis, as some of my friends on the other side have described, committed a monumental folly—if I remember aright, my esteemed friend Mr. Jitendralal Bannerjee described it as such—in granting Permanent Settlement to Bengal. But the folly is there, no amount of pleading, no amount of appealing on the part of my friends, ought to induce the Government, or can justify the European members of this House, to stand against that Settlement and to deprive the landlords of the valuable rights they now enjoy. If they do so, that I submit, will be the height of ingratitude and the height of injustice.

Mr. M. ASHRAF ALI KHAN CHAUDHURI: Sir, I have listened to the previous speakers, who were very eloquent on this question. I have heard what they have said, viz., that the Permanent Settlement should go, that the Permanent Settlement was a folly, that the zamindars are good, that the zamindars are indifferent, that the rights which the tenants now enjoy are only just and proper. Whatever be the question, whether it be that the tenants should get more rights or that they should not have any rights at all, it has been discussed in the debate that has already taken place. Sir, I do not think it is now the time or the place to discuss those questions which we shall have to discuss when we consider the Bill clause by clause.

Sir, what now I want to bring to the notice of this House is the state of affairs in the country. We cannot ignore the cry of the people: Vox populi vox Dei. The question is what do the people want. Sir, I do not deny that some of the rights of the tenants may be good and some bad. And, if you have to deal with the present situation in the country, you will have to consider not only the present rights of the tenants, but also what further rights they want, and these I need not discuss at present for they are known to every one. They want transferability of occupancy rights; they want to cut down the trees as they

desire: they want to dig tanks whenever and wherever they like: they want to erect buildings on holdings if they can afford to do so. How, can you ignore these demands? Can you ignore the voice of the people? The people of this province want these rights, and you cannot give a go-by to them. And if the zamindars are apathetic to this cry for further rights, then sooner or later they will find to their own cost that they have committed a blunder which is absolutely irretrievable. I may go further and say that if the zamindars do not accede to the wishes of the people and if the people believe that their interests are being opposed—whether their interests are being opposed or not, whether the rights which they now enjoy should be curtailed or expanded, these have got nothing to do with the present question—I am only telling you the present feeling in the country, then there will be great discontent amongst the masses. If the country want that they must have certain things—certain tenancy rights—then, I think, it would be a great folly on the part of the zamindars to absolutely ignore the demand. The zamindars should try to be sympathetic towards the people; they should carefully consider the demands of the people; they should give due weight to the desires of the people.

Sir, I think I shall not be making a mistake if I say that the people are in a state of great discontent, and if it grows more and more there is sure to be something like the French Revolution, and that, I believe, is not very far. (Hear, hear!) But who will suffer most? The first and the worst sufferers will be the zamindars. There may not be bloodshed, thanks to the British Government, but the zamindars will lose something which they will never get back, and perhaps their loss will not be for the good of the country as a whole.

Sir, the people are asking for the things which my friends Khan Bahadur Ekramul Huq and Mr. Fazl-ul Huq have enumerated, and which I need not reiterate. But I would ask my zamindar friends to be a little sympathetic towards the tenants. And I sincerely hope that they will try to meet the tenants and will not reject summarily the demands and prayers of the tenants.

Babu NALINIRANJAN SARKER: Though the Bill before the House cannot claim to bring about an ideal relationship between the landlords and the tenants,—the measure, if passed with necessary modifications here and there may fairly be expected to afford a workable solution towards a better understanding between these two important classes of our Society.

It is not possible to blot out the history of the last more than 135 years and write a fresh one on a clear slate all at once. In other words, it is not practicable to ignore the rights and interests which

one class of our people has been encouraged by the law of the land to acquire and cherish throughout this period. But while, on the one hand it will not be statesmanship to leave out of account the rights established by the Permanent Settlement Regulation. It will be equally unstatesmanlike to ignore the disabilities which the existing system compels the tenants to labour under. The Bill, as I have said, has attempted to take a reasonable middle course and a few necessary modifications should suffice to make it a measure acceptable to both parties at the present stage of the country's advance. It will not be prudent on the part of the landlords to insist on their pound of flesh in regard to the claims conferred upon them by the Permanent Settlement in view of the awakening consciousness of the people towards an equality of rights in all directions; while it will likewise be the height of rashness on the part of the tenants to insist, even if they had the power to do so, on anything like a complete upsetting of the acquired rights and interests which the landlords have been enjoying from generation to generation.

It will be my humble request to the zemindars not to insist on their statutory rights in a too literal sense, where such rights tend to retard the social and economic improvement of the agriculturists, for that cannot but react ultimately on their own stength and prosperity.

I would request them to realise that property in land though analogous to other forms of property, differs in one essential point. The position may be put in a nutshell in the language of Mr. Froude who was a staunch supporter of the English land system, "Private ownership in land is permitted because Government cannot be omnipresent and personal interest is found on the whole in adequate security that land so held shall be administered to the general advantage. But seeing that men are born into the world without their own wills, and, being in the world, they must live upon the earth's surface, or they cannot live at all, no individual or set of individuals can hold over land that personal and irresponsible right which is allowed them in things of less universal necessity."

It has been said by a distinguished authority that "land is a kind of property in which the public must from its very nature form a kind of dormant joint interest with the proprietor" and this interest demands that the ryot should be assured of what Mr. Gladstone called the three F's viz., "Fixity of tenure, fair rent and free sale."

And to my brethern of the raiyat class I would say that the first two F's have been made largely available to them by the operation of the existing law; while the third viz., free sale is

proposed to be given to them in the Bill under consideration, subject to slight restrictions. If that is passed, I feel that so far as their economic position is concerned they will not have much to complain. Not only this, but there are provisions in the Bill which will remove the various impediments which have so long stood in the way of their improving their social status. By the passage of the Bill, they will be able to erect pucca homesteads, dig wells or tanks for drinking water on their land, enjoy all rights in respect of trees planted by them on their land, and what they will value most of all, they need no longer submit to the indignities to which they were subjected at the hands of the nayebs and gomasthas of the zemindars. I would, therefore, request my brethern of the tenantry class not to allow the contrast between their lot and that of their landlords to affect their judgment of this particular measure and lead them in sheer bitterness of spirit to make a stand against the corresponding benefits which have been accorded to the other side. I would ask them to consider that the rights of the landlords have not sprung out of their helplessness, but in most cases have been acquired for valuable consideration on the basis of the existing law of the land.

The admittedly sad economic condition of the tenantry cannot even mainly be put down to any active oppression by those in power over them, or to any legal disabilities from which they suffer. It is worth while to remember that oppression is but the penalty of ignorance, which will have to be paid in spite of all laws, so long as the raiyat is uneducated, full of prejudices and superstitions, and consequently has to remain unorganised and therefore, at the mercy of every exploiter. This oppression whether of zemindar or of police, this exploitation by foreign merchants and manufacturers backed by an alien regime would probably have been a thing of the past by now if the Bureaucracy had not thrown out the late Mr. Gokhale's Primary Education Bill in 1920. Our first and united efforts, therefore, must be directed to capture the machinery of Government and for this purpose we cannot be too careful how we give play to needless class antagonisms based on a wrong apprehension of the facts.

I would also remind them that there was zamindars and zamindars and the average person holding zemindari rights is by no means a rich man. The picture so often held out of one class rolling in luxury while the other is starving is not only largely overdrawn but is ill, informed. According to the census report of 1921 the total number dependent upon rent received from agricultural land in Bengal is 13,19,312. Out of this total I cannot find more than only 500 persons who may be considered as enjoying a fattening income and about 1,500 to 2,000 may be considered as having only a moderate competence. The rest constitutes the middle class population of this province, who as is well-known far from living in luxury can hardly

make both ends meet. Khan Bahadur Muhammad Abdul Mumin, as Settlement Officer of the District of Jessore pointed out in his admirable report that the majority of the land-holding classes which constitute the middle class bhadralok are in a severer plight. He has calculated the average income per family of such so-called landlords excluding their income from service and profession at Rs. 210 a year and per capital at Rs. 42 a year, while the net income of an agriculturist from agricultural produce has been calculated at Rs. 54 (Rupees fifty-four.) Mr. Sachse testifies to a similar experience as settlement officer of the district of Mymensingh. He said in his report that the small proprietors live a hand to mouth existence and the income of the rent receivers as a class is unevenly distributed. Out of a total cash rental of 80 lakhs half goes to some 25 individuals. About the pitiable condition of the present middle class population there can be no two opinions. Yet this class forms not an insignificant part of our Society. They hold up the banner of culture in the villages; it is this class that has most largely contributed to all that our province can take pride in. It is this class that will be the hardest hit if the vested rights of the landholding class be too drastically interfered with and to reduce this class to practical serfdom is a thing that cannot be viewed with equanimity by any true well-wisher of this country.

The view I have put forward above is not merely one that I personally hold but it has been the view of our party from its very foundation.

Deshbandhu Das and other leaders of the Swarajya Party bestowed considerable attention on this question, and laid down principles for the guidance of the Party in their Election Manifesto of 1923, wherein it is observed:

"The agriculturist of India need no assurance of the unswerving loyalty of the Swarajya Party to his cause—He is the back-bone of the country and the mainstay of the Congress. The Swarajya Party would miserably fail in its primary duty if it did not make the betterment of his deplorable condition its first and foremost concern."

While assuring the loyalty of the Party to the cause of the agriculturist, the Manifesto adds that the zemindars have in the past furnished many a brilliant chapter to the history of the country, and "even in these degenerate days have a number of ardent nationalists among them," and that "those who desire to help in the building up of Swarajya cannot possibly dream of such madness as to undermine the very foundation of society as it has existed for hundreds of years in India by trying to eliminate an important and influential class from it." The manifesto proceeds:

"True it is that the Party stands for justice to the landlord. The Party believes that it is only by serving the true interests of both that it can find a solid base for Swarajya and is pledged to stand as firmly by the one as by the other in its honour of need. For reactionaries whether they are zemindars or others, the Party has no sympathy whatever."

Babu JOGINDRA CHANDRA CHAKRAVARTI: Sir, I have a complaint to make against Government in this matter of the Bengal Tenancy Bill, and my complaint is that Sir Nalini Ranjan Chaterji is not here to-day while the Bill is being discussed. When I look to the history of the introduction of the Bill, we find that it was introduced by Government in December, 1925, and referred to a Select Committee which reported in July, 1926. After the report was submitted the Bill was withdrawn by the Member in charge on certain grounds. The principles which the Government wanted to introduce in the Bill of 1925 had been materially altered by the Select Committee. Then a Special Committee was appointed with Sir Nalini Ranjan Chaterji as President for the purpose of examining the Bill as framed by the Select Committee as well as the one originally framed by Government and the result is that the present Bill has been drafted. In the beginning of July we were given to understand that the Bengal Tenancy (Amendment) Bill would be coming up on the 31st July for discussion. Some of us were of the opinion that it was not necessary that the Bill should again be referred to a Select Committee but that it should be taken up for discussion, clause by clause, at once; because we found that for the last seven years, 1921 to 1928, the Bill has passed through various stages. Attempts have been made by various important committees that were appointed to make adjustments of the relationship between the landlords and the actual cultivators of the soil. It will not do for us to forget that the task of adjusting of rights between the landlords and the actual cultivators is not a very easy task, because we must bear in mind that there is a long chain of persons, of rent-receivers and the rent-payers, between the zamindars and the actual cultivators of the soil, and whoever tries to make any amendment regarding the Bengal Tenancy Act cannot possibly ignore the right which has grown up and accrued to the various persons—tenure-holders, under-tenure-holders, raiyats and under-raiyats and so on. This chain of persons intervenes between the landlord and the actual cultivators of the soil.

I have listened this evening to the most interesting speeches that were delivered by my learned colleagues, and I find that many of them have not attempted to tackle the problem as to how the relationship between the two different classes of people can be established in such

a way that the whole machinery can be made to work in harmony without injuring the rights of one another. The Bill which is now before the House has been described by some persons as the Landlords' Protection Bill and by others as the Tenants' Protection Bill. Now, Sir, it is perfectly clear from the debate that we have had this afternoon that so far as the members of this Council are concerned they are perfectly convinced that it is neither the one nor the other, because judging the Bill from the standpoint of tenants it is found that there are some provisions in it which do not seem to be very favourable to the rights of the tenants, and judging from the standpoint of landlords as well, the landlords make a grievance of the fact that some cherished rights of theirs that they have been enjoying for a long time past are going to be taken away under this Bill. At present there is some sort of agitation going on amongst the landlords, as we find in the newspapers that meetings are being held here and there, the object of which is to pass resolutions to the effect that the Bill which is now before the Legislative Council should be rejected, because it aims at striking at the root of certain of their rights which they had been enjoying since the Permanent Settlement. It will not do for us, however, to forget that the Bengal Tenancy Act which was passed in 1885 requires some change very badly, and it is in consequence of this, as the Hon'ble Member in charge has reminded us, that in 1921 the Hon'ble High Court drew the attention of Government to the fact that the law as regards transferability of occupancy rights must be fixed by Statute because we know that at present the law is absolutely unsettled. It is said that occupancy rights are not transferable unless by custom. Well that means simply that occupancy rights are transferred as a matter of fact, but then the transferee has to purchase the recognition of the landlord by paying him a certain sum of money. As a matter of fact we know occupancy rights are being transferred and that the number of such transfers is growing every year. There are litigations, eviction suits and so on with regard to this transfer. The question often arises as to what status the transferee has after the transfer and whether a landlord is justified in evicting him. We know, Sir, that there is a good deal of litigation over this question of transfer and it is high time that the law as regards transferability should be settled. If the landlords think that this proposal of making occupancy rights transferable is an encroachment upon the rights which they have been enjoying so long, they ignore the real state of things in this country. The fact, Sir, is that things have come to such a pass that it is no longer desirable that a settlement on this point should be delayed.

6-15 p.m.

Then, again, Sir, the question will necessarily arise that if occupancy rights are made transferable by law, what would be the safeguards,

what would be the conditions under which these transfers should be allowed to be made? Certain conditions have been laid down in the Bill. I for one disagree with those conditions and it is not the proper time to-day to discuss the matter in detail, because we shall have ample time to do so when the amendments will be considered. The members of this House may have ideas of their own as to whether there should be any conditions or not, and if there be any conditions with regard to those transfers, what those conditions should be. These are matters of detail which we should consider in the Council when the amendments will be taken up for consideration. There is one thing which strikes me and that is this that all these points which are coming up before us for consideration must be looked at as dispassionately as possible. It is not good for us to say that it is Landlords' Protection Bill or a Tenants' Protection Bill. All of us want that this Bill should be discussed clause by clause without any further delay. That shows that we want that the points raised in all the amendments should be settled once for all one way or the other by this Council according to the majority view of this House. The learned Member in charge of the Bill has reminded us that this Bill is practically a Bill of compromise. That is so, and as a matter of fact in matters of this kind we cannot proceed unless there is a compromise; but that does not mean that we do not expect any clashing of interests when we come to discuss the various clauses. It is quite possible that there may be differences between one class and the other and there may be differences of such a character with regard to which no compromise is possible. I quite appreciate that, but in spite of that I think we should make our efforts to see that the progress of the Bill may not be hampered by attacking each other in language which perhaps may not have a very beneficial effect upon the consideration of the Bill. So far as the main provisions of the Bill are concerned, the Hon'ble Member in charge has given us a fair idea of them. We all know that as regards some of the rights which this Bill proposes to give to the tenants, viz., the right to the trees under section 23A of the Bill, the right to transfer occupancy rights in land, the right to dig wells and tanks and the right to erect pucca buildings on the lands of occupancy raiyats—these are rights which the tenants have been demanding in such an insistent manner that it is no longer possible to refuse them. The Bill has made an attempt in that direction and that is the direction which we can take full advantage of so far as the provisions of the Bill go. With regard to transferability, there is bound to be a great difference of opinion mainly on one point, namely, the proposal of giving right to the landlord to repurchase the land after transfer and another point is the landlord's fee which should be paid to the landlord on transfer of occupancy holdings. On these points there is bound to be a great difference of opinion between those who favour the rights of the landlords and those who favour the rights of the

tenants. We must approach all these points from a point of view from which it would be possible for us to come to a solution. When we look at the report of the Committee appointed by Government in 1921, we find that the members of that Committee felt the greatest difficulty in making such adjustments with regard to these points as might be acceptable to all parties. We cannot expect an ideal Bill, nor do I think it is possible for anybody to frame an ideal Bill which would be acceptable to all parties, because it is a known fact that the interests of the various classes—the landlords, tenure-holders, under-tenure-holders, raiyats, and so forth—must vary and must be to some extent antagonistic to each other and whenever one party feels that there is an encroachment on their rights they at once say that their vested interests were being taken away. Take for instance the case of the raiyats. These raiyats as a class may not necessarily actually cultivate the soil, because we know that some raiyats have their lands cultivated by bhagchasis and bargadars. It is a known fact that it is the bargadars who actually cultivate the land and if it is argued that therefore they must be regarded as the proprietor of the soil, as was proposed by the members of the Committee appointed in 1921, the raiyats would consider it to be disastrous to their interests.

[Here the member having reached his time-limit was allowed a minute to conclude his speech.]

If this proposal were given effect to, we can at once see what great difficulty will come in, and on this point I may remind the members of this Council of the great agitation and consternation that took place in the country in 1921 when it was proposed to give the right of tenancy to the bhagchasis and the bargadars.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: I am not opposed to the amendment of this antiquated Act.

In 1921 Sir John Kerr's Committee was formed to consider and report what amendments should be made of the Bengal Tenancy Act. The Committee presented a report and prepared a Bill which was circulated for public opinion. A mass of opinion was collected and ultimately late Maharaja of Nadia presented an amended Bill in 1925 which was referred to a Select Committee. The Select Committee revised the Bill but unfortunately Government could not accept the revised Bill as the main object of the Government members, as alleged by them, to give occupancy right or some substantial right to actual cultivators was rejected by the Select Committee. Then another Committee has revised the Bill as settled by the Select Committee with a

view to fulfil the main object as far as practicable and the present Bill, it is alleged, has given some substantial rights to the under-raiyats. It seems to me there is a clear misconception as to these two classes of persons and there is certainly a confusion of ideas if these two classes are considered to be identical; actual cultivators are not always and necessarily under-raiyats.

I do not understand why there is so much solicitude on the part of the Government to give substantial rights to the under-raiyats. They are creation of Act VIII of 1885 and they had no legal existence before. Numerically their proportion is now very insignificant to raiyats. Is it because that some Settlement Officers wrongly made some illegal entries in the Settlement record of some districts that it is an attempt to validate them?

The right to the soil was given to the zamindars by the Permanent Settlement and by their grants again to Permanent tenure-holders—raiyats neither had nor have any right to it save and except that of permanent occupation and enjoyment—I mean they have no right of alienation. You want to extend that right in a limited or conditional form—why then, if you really wish their good, try to cripple their right in another direction. Why should we try to restrict their right or resumption and re-entry when they sublet.

The policy of any legislation should not be infringement of right of any class of people—why then, in the present legislation, the first infringement will be upon the right of proprietors or tenure-holders and the next upon that of raiyats. The right of transferability of occupancy right is advocated on facts that the numbers of transfers are growing very fast and very extensively so some provision must be made for this growing practice to suit the economic condition of the country, but where is the necessity for granting substantial rights to under-raiyats? The majority of them entered under 9 years' lease and knew their position very well—if we give them some protection we do it to the detriment of raiyats who are as much cultivators. There may be various reasons for the cultivator-raiyats to sublet with intent for future resumption. There may be provisions for compensation in case of improvements—but permanent enjoyment in all cases is not justified.

In the joint minute of dissent of Government members (*viz.*, of Maharaja Bahadur of Nadia, Messrs. McAlpin, Hopkyns and Khan Bahadur Mumin) it has been said that because the occupancy right has been made transferable in this Act frequently such lands will pass to the non-agriculturists and the inevitable result would be then their tenants—the actual cultivators—would obtain practically no right in the soil as under-raiyats. I fail to see the logic of this argument.

First of all why do you create the disease and then suggest a remedy?

It is a happy thing to observe that in their eagerness to grant substantial rights to the under-raiyats, Government members have admitted the stern fact that by conferring free right of transfer to Bengal raiyats they will soon become landless labourers and the lands will pass to the non-agriculturists. If so, why not make provision in the Bill that the lands of raiyats may not pass to non-agriculturalists, capitalist and companies. We urged it strenuously in the Select Committee, why it was not accepted then?

Thirdly, why should we assume that the transferred lands of raiyats to non-agriculturists will be sublet to tenants. Can we not assume other modes of cultivation, which is more probable for a purchaser as it is more profitable for him, say, cultivation by hired labourers or by the share-produce system such as barga or adhi or bhagchas.

The land tenure system of Bengal is already complicated and this is partly due to the nature of the soil. The object of every legislation should be to make it simpler, but the policy of the Bill is to make it more complicated. There are already more than 15 grades of tenures in some districts of Bengal. Form zamindars to the raiyats there are at least 15 grades of sub-infeudations and this is simply because the law allows it. If we give the under-raiyats right of occupancy or any permanent right against his landlord there will again be at least 10 grades of under-raiyats in no time—and who in this chain of sub-infeudation downwards will be the real under-raiyat? It would be, in time, dividing the profit of the raiyat or of the land between 10 persons, and practically converting the raiyats or 9 grades of under-raiyats to the position of tenure-holders or rent-receivers—why do we create this new class of rent-receivers with limited rights and introduce further complication in the law? Would this creation in any way augment the wealth of the land or improve the condition of the cultivators? If the raiyats now hold the land at Rs. 4 per bigha the tenth grade of under-raiyats downwards will probably hold it in time at Rs. 20 per bigha. Will this be a profitable concern for the cultivator after deducting the cost of cultivation? Will their position be better than bargadars in any way? Then, again, who is the real under-raiyat? Is there any guarantee where the lowest step in the ladder will stop? It would go on till all profits of the land are exhausted. Will this bring a better economic condition for the country or would be a healthy legislation for future?

This new class or the creation of us to-day will 20 years after become discontended and clamour for more rights, then to whom the future legislators will confer more rights, the avenue open to them will probably be to create another class—but where remains the margin of profit?

6-30 p.m.

It is not sound legislation to take away statutory rights of certain class who is already enjoying it for a century and to clothe with it another class which is a recent creation.

As I have shown just now that there will be several grades of under-raiyats by gradual subletting—who will be then the actual cultivator of the soil? The lowest man in the chain of sub-infeudation without any margin of profit. Is he better than a bargadar? Is his lot in any way enviable? Is any legislation necessary for his protection? In my own district (Bakarganj) also in some parts of Khulna and Faridpur where the system of land tenures is so very complicated there are innumerable tenure-holders who, though tenure-holders by virtue of their rights, are really actual cultivator, and do cultivate lands themselves.

In Punjab an occupancy raiyat cannot sublet for more than seven years, vide section 58, Punjab Rent Act (Act XVI of 1887). The position of an under-raiyat in Orissa is the same as in Bengal, vide sections 56 and 57 of the Orissa Tenancy Act (Act II of 1913). In the more recent Central Provinces Tenancy Act (Act I of 1920) an absolute occupancy raiyat can sublet for 10 years only, vide section 6, sub-section (*c*). Why then in Bengal a raiyat should be permitted to sublet permanently?

Again, if a raiyat can sublet permanently and if his immediate landlords get 25 per cent. of the salami, there will be few transfers but more subletting because in the latter case there is no check upon the understatement of salami by way of pre-emption or post-emption clause of the Bill.

I am not opposed to confer some rights and provide some protections to the under-raiyats which we did in the Select Committee but the provisions of the Bill go far beyond the legitimate limit.

The exceptions that have been introduced to the proviso, which we added to the definition of tenant, are strongly resented by the whole country. It is not unknown to this Council what a storm of opposition arose when bargadars were sought to be made tenants and what alarm is still felt in the country for this sinister attempt. I will deal in detail with it when the Bill is taken up for consideration and I move my amendment.

Before concluding I want to mention, Sir, one fact before this Council. In the Select Committee I strenuously pressed to make some provisions in the Bill for an inter-pleader suit. If we are real well-wishers of the tenants—the peasants of Bengal—some provision should be made in the

land laws of Bengal for an inter-pleader suit to save them from the claims of contending landlords. For beel and jungly lands, for lands bordering two estates, simple unwary peasants of Bengal have attorned to two landlords for the same land and both of them are realising rents for the same land by decrees. Provisions of section 149, Bengal Tenancy Act, are inadequate for the purpose, because the section does not apply in cases of different rentals or rights for two attornments. Remedies should be provided for this harassment and inequity.

6-30 p.m.

Babu AKHIL CHANDRA DATTA: Sir, I do not propose to discuss the big topics of the Permanent Settlement or the larger question of the duties of zamindars, for the simple reason that this Bill does not deal with merely the relationship between the zamindars and, whom I do not know what to call, tenants. The word "tenant" is very loosely used. One who is a tenant with respect to one may be a landlord with respect to another. Therefore, it will not do to speak in that loose manner about the zamindars and tenants. I wish to confine my observations to the outstanding features of the Bill that is before us, and more particularly to the three more controversial matters, namely the status of bargadars and of under-raiyats, the right of transferability. Now, Sir, it has been said, not without truth, that the essential feature of the tenancy legislation in this country has always been the recognition of the right of occupancy in the actual cultivator. That was the principle of the Act of 1859, of the Act of 1869 and of the Act of 1885. The cultivator must know and must feel that he has got an abiding interest in the land—that is essentially necessary in the interests of the tenants as well as of the landlords, and also in the general agricultural interests of the country. Therefore, the right of occupancy was conferred upon the tenants, I mean the cultivators, in the Act of 1885. Now, since the Act of 1885 there has been an enormous change in the economic condition of the country. The occupancy right has in the mean time passed into the hands of persons who are not cultivators, by profession, and those who enjoy the right of occupancy raiyats are not cultivators. One of the chief objects of the present amending Bill is to confer the right of occupancy upon, and to improve the status of the actual tillers of the soil. So far as that question is concerned in the abstract, there is no troubles over it. There is no controversy as regards the question that sufficient protection, sufficient stability, permanent right, and heritability must be conferred upon the actual cultivators of the soil. The whole trouble begins when the further question comes as to who the actual cultivator is. What do you mean by an actual cultivator? Now, the principle of cultivation by hired labourers and servants is one which has been recognised in this country. It was

recognised in the Act of 1885. It has been reiterated in the amending Bill now before us. In fact even those who are admittedly actual cultivators cannot do without the aid of servants and labourers. Take for instance the case of a family consisting of five members, four of whom died. The last surviving member cannot cope with the work, so he must engage servants and labourers. It cannot be said that because he engages labourers he is not a bona fide cultivator.

Take the case of a family where the only surviving member is a widow. She is unable to cultivate the land herself, so she must have labourers. Take the case of a well-to-do cultivator's family. Some boys are educated and are holding high salaried appointments; the other boys who continue the cultivation have to employ hired labour. It cannot therefore be said for one moment that that family ceases to be a bona fide cultivators' family. It is for that reason that the old Acts and the proposed amending Bill recognise cultivation by servants and labourers.

There is another conceivable way of carrying on cultivation in the case of such people whose cases I have just examined. Now, instead of cultivating the land by hired labour the cultivation can be carried on by bargadars and under-raiyats. The employer can tell the labourer: "Look here, you are now cultivating my land as labourer, I ask you from to-day to cultivate my land as a bargadar and an under-raiyat. On your side it is more profitable and on my side there is this consideration that there is now no members of the family who can conveniently look after the cultivation." So, that is an arrangement which is most convenient and profitable to both the parties. Now, in the case of the labourers and servants, it cannot be said, and it has never been contended, that they should be given the right of occupancy merely because they are the actual tillers of the soil. My contention is that because a man chooses to cultivate his land not by servants or labourers but by bargadars and under-raiyats that is any reason why occupancy rights should be conferred upon the bargadars and under-raiyats. It all depends upon the intention of the parties.

Now, let us take into consideration the case of the middle class educated bhadralok people. Their position is a very precarious one in the country. With small savings effected over a long period an educated bhadralok purchases some raiyati land, not for commercial purposes, not for speculation, but just for the sake of the sustenance of his family. Now, can it be said that because that person happens to be a gentleman and cultivates his land through a bargadar or under-raiyat, he is not a bona fide cultivator? An actual cultivator in the strict sense of the term is an absurdity. The words "actual cultivator" are not very happy, the proper expression would be a genuine cultivator. Therefore to the substantial

rights that have been proposed to be given to the under-raiyats some of us on this side of the House have serious objection. I know that Government is very keen on the question of the status of the bargadars and under-raiyats. In fact on the last occasion, because the Government proposals were not acceptable to the Select Committee, the Bill was dropped like a hot potato. We do not know what will be the fate of this Bill if the Government proposals as to the status of under-raiyats are not accepted by the Council.

Then, Sir, there is the other very important question—I mean the right of transfer. It is too late in the day to refuse this right. The practice of transfer is now widespread and universal that we must give this right to occupancy tenants. It is too late in the day to discuss the merits or demerits of the proposed change. But, Sir, I do feel that the grant of unrestricted right of the transfer of occupancy rights will inevitably lead to the ruin of the tenants. This will lead to the transfer of the occupancy rights to the hands of not merely small money-lenders but of big capitalists, Indian and foreign. If that happens it will spell the ruin of the agriculturists of the country. Now, Sir, that is an apprehension which is not without any foundation. The unemployment problem is now very acute in England—so also the bread problem. We are told that the soil in England does not produce quite enough for her whole population of seven weeks in the year out of 52 weeks. Now, Sir, there are already indications that the people of Great Britain are looking forward to India for the solution of their unemployment problem. We know that in the House of Commons the Prime Minister was heckled the other day as to how the unemployment problem can best be solved.

Sir, we have seen how even our friends of the Labour Party are suggesting to the people of England that they should send machinery to India to cultivate, they should send money for manure as well as other necessaries for cultivation. That is a fact of which we should take note. It will really mean the destruction of almost all our agriculture. Practically, almost all our industries have been destroyed during British rule. Agriculture alone remains, and if that is also captured by the foreign capitalists, then it will mean the ruin of the agriculturists of the country. Therefore, with regard to the right of transfer, I submit there should be some restriction. I want, Sir, that in the domain of agriculture there should be no foreign capital and no foreign labour. Both the capital and the labour should be exclusively local. Now, in order to accomplish this object, I shall propose that the transferee must be a bona fide cultivator and not a capitalist or a company who invests money for the purpose of earning dividends and utilise hired or imported labour. I would insist that the transferee must be a bona fide man of the locality. It is also necessary that the

labour should be exclusively local. Now, Sir, these are the restrictions which are essentially necessary for the interests of the agriculturists of the country. And if we do not impose these restrictions on the right of transfer, then we shall be presiding over the funeral of agriculture of this mainly agricultural country, where over 77 per cent. of the population live on the produce of the soil.

Mr. PRESIDENT: I find that several other members are anxious to speak. It is no good coming back after 7, and I, therefore, propose to continue this discussion to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 8th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 8th August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 110 nominated and elected members.

Starred Questions

(to which oral answers were given).

Bengal Government Press, accidents to employees.

***52. Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that the Honorary Secretary of the Press Employees' Association wrote a letter to the Inspector of Factories on the 19th March, 1928, regarding the matter of a compositor, an inkman and a binder who sustained injuries while on duty and as a result thereof had to be removed to the Medical College Hospital?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the said letter and to state what action has been taken thereon?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) A letter, dated the 19th March, referring to three accidents in the Bengal Press was received by the Chief Inspector of Factories.

(*b*) Government are not prepared to lay the correspondence on the table. The accidents to the inkman and binder were reported by the Press authorities in accordance with the requirements of the Bengal Factories Rules. The action taken has already been stated in reply to starred question No. 24 on the 2nd August last. The compositor received a slight bruise from the tool of a contractor's workman falling on his arm. He was taken to hospital where he was attended to, and shortly afterwards returned to the Press of his own accord. It was not an accident which required to be reported under the Factories Rules, but the Chief Inspector of Factories enquired into it along with the other two accidents.

Nadia Rivers.

*53. **Srijut NAGENDRA NATH SEN:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to publish—

(*i*) the results of His Excellency the Governor's recent visit to the off-takes of the Bhagirathi and Jelangi and other rivers; and

(*ii*) the effect this is expected to have upon the Irrigation scheme of the Government?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur of Dhanbari): (*i*) His Excellency visited the off-takes of these rivers in order that he might be in a position to understand the problems which these rivers present.

(*ii*) His Excellency and the department are fully alive to the desirability of keeping open the rivers of Central Bengal.

Owing to the facts that the beds of the rivers are higher than the level of the Ganges, except in high flood, and that the slope of the rivers is so gradual, the difficulties both technical and financial in the way of restoring the flow of these rivers, are very serious. The problem is constantly before the department.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether the Irrigation Department is aware that the river Jalangi is now a permanently flowing river all the year round? If so, will the Government be pleased to state what steps they contemplate to take with a view to keeping open this river?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: If it is a free flowing river then no step is necessary.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether it is the opinion of the Department of Irrigation that if the river is a flowing river, it does not require any looking after?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It requires looking after but at present there is no necessity.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether the Irrigation Department contemplates to look after this river so that it is not choked up again?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Yes.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state what was the result of His Excellency's recent visit?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I have already spoken.

Mr. PRESIDENT: I think it is desirable that the Hon'ble Member should give a clear and direct answer to the supplementary question which has been put to him.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The result is that His Excellency is now in a position to understand the condition of these rivers.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state, in view of the answer given by him that the department is fully alive to the desirability of keeping open the rivers of Central Bengal, what steps he proposes to take to permanently keep the river Jalangi flowing?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Government will watch and decide if any step is necessary.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether any order has been issued or will be issued by the department?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: No order has been issued but it is the business of the department to look after the rivers.

Bhagirathi, mouth of.

***54. Maharaj Kumar SRIS CHANDRA NANDY:** (*a*) Has the attention of the Hon'ble Member in charge of the Department of Irrigation been drawn to the expert opinion expressed by Sir William Willcocks about the restoration of the ancient irrigation of Bengal?

(*b*) If so, do the Government propose to appoint a committee of official and non-official engineers to inquire into the matter with

instructions to consider the question of opening the mouth of the Bhagirathi at its junction with the Padma and submit their report at an early date?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) Reference is invited to the answer to Srijut Nagendra Nath Sen's question on this subject. The solution of the problem suggested by Sir William Willcocks involves the training of the River Ganges and the erection of a barrage across the Ganges at a cost of sixteen crores and cannot be entertained for financial reasons. Government do not propose to appoint a committee at present.

Steps taken for the relief of the famine-stricken people in Bengal.

*55. **Babu AMULYA CHANDRA DATTA:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state—

(*i*) what steps have been taken by Government for the relief of the famine-stricken people in Balurghat, Khulna, Nadia, Bankura and other places since the 11th July;

(*ii*) the number of people who have been given relief either by Government agency or by the non-official relief committees since the said date;

(*iii*) the nature of the arrangements that were made for the relief of the distressed people in these areas before the 11th July;

(*iv*) whether having regard to the disclosures made in the debate in the Council on the 11th July the Government have taken any steps to ascertain the real state of things prevailing in those areas before the said date; and

(*v*) if so, what is the result of the inquiry?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) The steps taken and the arrangements made for the relief of the distressed people are enumerated in the *communiqués* issued on 18th and 27th July.

(*ii*) Exact information is not available at present.

(*iii*) Agricultural and Land Improvement loans were granted according to requirements. Test relief works were opened. Gratuitous relief was given to deserving persons. Local relief committees were organised and poor houses were opened at some places.

(*iv*) and (*v*) Government have been in close touch with their local officers all along. The local officers had supplied Government with a

correct appreciation of the situation, and no further steps were necessary. The situation has been summarised in the *communiqués* referred to above.

Mr. JOGESH CHANDRA GUPTA: With reference to the answer to question No. (*ii*) that exact information is not available at present, will the Hon'ble Member be pleased to state, are no records kept by Government and are no returns received by Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: As to official relief, yes; and as to non-official relief, no.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to state if we can get the information about the official relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes; if you will give a notice we shall compile the information and then supply it.

Mr. JOGESH CHANDRA GUPTA: With reference to his answer to question No. (*iii*) that gratuitous relief was given to deserving persons, will the Hon'ble Member be pleased to state the amount of money given in gratuitous relief in each of these four places?

The Hon'ble Sir PROVASH CHUNDER MITTER: I gave the information the other day and if you want the information again I can give it to you now:—

Balurghat Gratuitous Relief—Rs. 4,000.

For relief works—Rs. 77,000, and the rest in agricultural loans.

Khulna—Rs. 2,000 gratuitous relief and the rest in agricultural loans.

Nadia—Nothing in gratuitous relief but certain amount in relief work and certain amount in agricultural loans.

Bankura—Rs. 12,000 in gratuitous relief and for relief work Rs. 40,000 and certain other amounts.

Mr. JOGESH CHANDRA GUPTA: With reference to his answers to questions Nos. (*iv*) and (*v*), are we to understand that no further enquiry was necessary because according to the reports the statements made in this Council were found to be correct?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Will the Hon'ble Member be pleased to state if he is aware that the District Magistrate of Dinajpur has issued an appeal for private subscription for gratuitous relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not personally aware but it is extremely likely he has.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Will the Hon'ble Member be pleased to state whether the District Magistrate has asked for further sums from Government for gratuitous relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not within the last few days so far as we are aware, but if the hon'ble member wants a very definite answer I am prepared to look into it.

Revaluation of road and public works cesses in Pabna.

*56. **Srijut JOGENDRA NATH MOITRA:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing—

(*i*) the years in which the revaluation of road and public works cesses in the district of Pabna was made under the Cess Act; and

(*ii*) the total amount of cesses assessed on each occasion?

(*b*) Will the Hon'ble Member be pleased to state what method was followed in ascertaining the annual value during the last revaluation and revaluations before it in respect of—

(*i*) lands held by zamindars and tenure-holders under *barga* cultivation;

(*ii*) lands otherwise held by them under their direct cultivation; and

(*iii*) waste and unproductive lands?

(*c*) Will the Hon'ble Member be pleased to state whether the same principle for ascertaining the annual value of several classes of land, as referred to in clause (*b*), which was adopted in the last valuation has been followed during the present valuation?

(*d*) If the answer to clause (*c*) is in the negative, will the Hon'ble Member be pleased to lay on the table a copy of the instructions issued by the Government to the Revaluation Department of Pabna according to which the present revaluation is being done?

(*e*) Is the Hon'ble Member aware that a memorial signed by over ten thousand persons of Pabna has been submitted to the Governor in Council in connection with the present revaluation of cesses there?

(*f*) Have the Government disposed of the said memorial? If so, in what way?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) 1876, 1893 and 1906.

(*ii*) 1876—Rs. 92,196, 1893—Rs. 1,13,058, and 1906—Rs. 1,57,083.

(*b*) (*i*), (*ii*) and (*iii*) The annual values of all these classes of land were ascertained on consideration of the returns submitted by the landlords and enquiries made by the Cess Revaluation Officer.

(*c*) Yes, except that information available from the recent settlement record-of-rights of the district was also utilised.

(*d*) Does not arise. The cess revaluation instructions issued by the Board of Revenue, 1923, apply.

(*e*) Yes.

(*f*) It will be disposed of on receipt of local officer's report.

Srijut JOGENDRA NATH MOITRA: On a point of order. With reference to answer to question (*b*), the Hon'ble Member has avoided to give the information required but made only a general statement. May we not have a clear answer to all the questions?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would like to know in what particular respect I have avoided to give information. It is certainly not our intention to avoid giving information.

Mr. PRESIDENT: Having regard to what the Hon'ble Member has said just now, I think the best course for you will be to put such supplementary questions as will clear the points you may have in view.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state what was the nature of the consideration in ascertaining cesses in respect of lands held by zamindars and tenure-holders under barga?

The Hon'ble Sir PROVASH CHUNDER MITTER: As I have already answered the Cess Revaluation Officer followed the Board of Revenue's instructions of 1923. Enquiries were made by the Cess Revaluation Officer himself and he came to a certain conclusion. He had also the advantage of certain record-of-rights which gave him further materials.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state what was the basis of assessment in respect of lands under barga on both zamindars and tenure-holders?

The Hon'ble Sir PROVASH CHUNDER MITTER: As I have already answered, a return is submitted by the landlords and enquiries are made by the officer and checked by the record-of-rights.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state what was the nature of assessment in respect of lands held under direct cultivation?

The Hon'ble Sir PROVASH CHUNDER MITTER: The same answer.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state whether the waste lands were assessed on previous occasions?

The Hon'ble Sir PROVASH CHUNDER MITTER: Without going into the matter I cannot say, but if you give a notice I shall look into it.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state, with regard to his answer to question (c), what was the nature of the information received from the Settlement Department?

The Hon'ble Sir PROVASH CHUNDER MITTER: The settlement records will give you that information.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to lay on the table a copy of the instructions that were issued by the Board of Revenue in 1923 regarding revaluation?

The Hon'ble Sir PROVASH CHUNDER MITTER: If such a copy is not already in the Legislative Council Library we have no objection to giving a copy.

Rai HARENDRANATH CHAUDHURI: Is it or is not a fact that certain new instructions have been issued?

The Hon'ble Sir PROVASH CHUNDER MITTER: Very probably certain new instructions were issued, but without examining those instructions I cannot say definitely.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to lay on the table a copy of these instructions.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already answered that if those instructions are not available in the Legislative Council Library I am prepared to supply them.

Unstarred questions

(answers to which were laid on the table).

Bankura distress.

44. Srijut BIJAY KUMAR CHATTERJEE: (*a*) Is the Hon'ble Member in charge of the Department of Revenue aware that although, according to his statement made on the 10th July at the sitting of the Bengal Legislative Council, Rs. 12,000 had been allotted by the Government for gratuitous relief in Bankura, the District Magistrate has spent only Rs. 2,700 up to 10th July?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason why the District Magistrate of Bankura has not spent the sanctioned amount?

(*c*) Will the Hon'ble Member be pleased to state whether the said Rs. 12,000 include funds from the Joy Gobind Law Trust Fund?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for using money from that Fund?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Up to 10th July the Bankura District Relief Committee, of which the District Magistrate is President, had spent Rs. 10,725 on gratuitous relief. In the funds of this committee the grants received from Government are merged with contributions received from the public. Up to 10th July Rs. 5,500 out of Rs. 12,500 granted by Government had been drawn and made over to the district committee's fund.

(*b*) Because it was not immediately required.

(*c*) The grants received from Government include Rs. 5,000 from the Joy Gobind Law Fund.

(*d*) The Joy Gobind Law Fund is a trust fund created expressly for the provision of gratuitous relief at times of distress to poor respectable people who will not or cannot resort to Government relief works and providing food and clothing for the aged and infirm.

Number of Muslim and non-Muslim employees in the Khas Mahal Department.

45. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member in charge of the Department of Revenue, be pleased to lay on the table a statement showing, district by district, the respective numbers of Muslim and non-Muslim—

(*i*) tahsildars,
(*ii*) clerks, and
(*iii*) amins

at present employed in the Khas Mahal Department in the province?

The Hon'ble Sir PROVASH CHUNDER MITTER: A statement containing the information is laid on the table.

Statement referred to in the reply to unstarred question No. 45 showing the number of Moslems and non-Moslems employed in the Khas Mahals as tahsildars, amins and clerks.

Serial No.	Districts.	Tahsildars.		Amins.		Clerks and sarkars.	
		Moslem.	Non-Moslem.	Moslem.	Non-Moslem.	Moslem.	Non-Moslem.
1	Burdwan	..	..	..	..	..	..
2	Birbhum	..	..	..	..	..	..
3	Bankura	..	..	..	..	..	..
4	Midnapore	6	81	..	2	5	27
5	Hooghly	..	4	..	..	..	..
6	Howrah	1 (a)	..	..	..	..	..
7	24-Parganas	3 (b)	15 (c)	..	1 (d)	4	9
8	Nadia	..	2	..	..	..	..
9	Murshidabad	..	5	..	..	..	1
10	Jessore	..	..	..	..	..	..
11	Khulna	..	2	..	..	..	..
12	Dacca	..	6	..	..	..	..
13	Mymensingh	2	1	..	..	1	..
14	Faridpur	..	11	..	2	..	2
15	Bakarganj	7	1	..	1	7	18
16	Chittagong	..	..	8 (a)	11 (a)	21	40
17	Tippera	..	6	..	..	1	5
18	Noakhali	5 (e)	4 (e)	1 (e)	1 (e)	4 (e)	7 (e)
19	Rajshahi	..	..	..	..	1	..
20	Dinajpur	..	..	..	..	..	..
21	Rangpur	..	..	..	..	..	..
22	Pabna	..	..	..	..	1	2
23	Malda	1	..	..	..	..	1
24	Bogra	2	4	..	..	..	2
25	Jalpaiguri	1	2	1	2	5	15
26	Darjeeling	..	..	1	6	..	7

(a) Temporary.
(b) Includes 1 sarkar.
(c) Includes 2 sarkars.
(d) Surveyor.
(e) Includes temporary.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state what is the requisite qualification for the post of a tahsildar?

The Hon'ble Sir PROVASH CHUNDER MITTER: There is no definite rule laid down; it depends on the person who appoints him.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state whether there are Muhammadans in the districts who have adequate qualification for holding this office?

Mr. PRESIDENT: I do not allow that question.

Primary and Secondary Schools.

46. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing, year by year,—

(*i*) the actual total grants, either direct or indirect, made to European (*a*) primary, and (*b*) secondary schools since the year 1922-23;

(*ii*) the actual total grants, either direct or indirect, made to Indian (*a*) primary, and (*b*) secondary schools during the same period;

(*iii*) the number of (*a*) European primary schools, and (*b*) European secondary schools;

(*iv*) the number of pupils receiving education in either class of schools during the last five years;

(*v*) the number of (*a*) Indian primary schools, and (*b*) Indian secondary schools;

(*vi*) the number of pupils receiving education in either class of schools during the same period;

(*vii*) what portion of the total expenditure on (*1*) European (*a*) primary, and (*b*) secondary schools, and (*2*) Indian (*a*) primary, and (*b*) secondary schools was contributed from provincial revenues and what portion was realised by school-fees, subscriptions, endowments since the year 1922-23;

(*viii*) what has been the average cost per pupil since the year 1922-23 in (*1*) European (*a*) primary, and (*b*) secondary schools, and (*2*) Indian (*a*) primary, and (*b*) secondary schools; and

(*ix*) what amount represented the Government grant (whether imperial or provincial) per head of pupil in each of the above classes of institutions?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 46 (i), (ii), (iii), (iv), (v) and (vi).

	Total direct expenditure from Government funds in—				
	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.
	Rs.	Rs.	Rs.	Rs.	Rs.
(*i*) *European*—					
(*a*) Primary schools	33,657	20,867	33,833	33,972	49,040
(*b*) Secondary schools	5,38,456	4,96,974	5,27,185	5,56,922	5,70,972
(*ii*) *Indian*—					
(*a*) Primary schools	19,52,659	19,53,688	19,59,533	20,35,174	22,14,983
(*b*) Secondary schools	17,28,982	16,77,423	16,37,442	18,87,066	19,26,495
(*iii*) *European*—					
(*a*) Primary schools	15	14	16	17	17
(*b*) Secondary schools	46	45	42	42	41
(*iv*) *Pupils in European*—					
(*a*) Primary schools	795	706	868	885	1,003
(*b*) Secondary schools	9,393	9,462	9,314	9,580	9,624
(*v*) *Indian*—					
(*a*) Primary schools	47,673	49,411	50,434	50,906	52,792
(*b*) Secondary schools	2,605	2,574	2,645	2,739	2,674
(*vi*) *Pupils in Indian*—					
(*a*) Primary schools	14,64,312	15,45,696	16,14,556	16,49,670	17,40,501
(*b*) Secondary schools	3,30,873	3,42,719	3,59,206	3,82,960	3,93,816

Statement referred to in the reply to unstarred question No. 46 (vii).

	1 (a) European Primary Schools.			1 (b) European Secondary Schools.			2 (a) Indian Primary Schools.			2 (b) Indian Secondary Schools.		
		Contributions from—			Contributions from—			Contributions from—			Contributions from—	
	Total direct expenditure.	(a) Provincial revenues.	(b) Fees, subscriptions, endowments.	Total direct expenditure.	(a) Provincial revenues.	(b) Fees, subscriptions, endowments.	Total direct expenditure.	(a) Provincial revenues.	(b) Fees, subscriptions, endowments.	Total direct expenditure.	(a) Provincial revenues	(b) Fees, subscriptions, endowments.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1922-23	73,793	33,657	36,898	13,04,233	5,38,456	7,13,689	53,77,948	19,52,659	24,70,710	93,49,332	17,28,982	72,96,169
1923-24	50,717	20,867	29,478	12,82,484	4,96,974	7,80,967	56,22,437	19,53,688	26,71,728	96,73,828	16,77,423	76,61,700
1924-25	68,843	33,833	32,784	12,56,306	5,27,185	7,14,034	58,89,964	19,59,533	28,90,657	1,00,26,210	16,37,442	80,47,249
1925-26	72,013	33,972	36,709	12,57,892	5,56,922	6,96,270	61,61,094	20,35,174	30,14,408	1,08,47,909	18,87,066	86,09,163
1926-27	94,450	49,040	44,151	13,15,296	5,70,972	7,13,140	66,66,625	22,14,983	31,87,894	1,15,19,359	19,26,495	92,16,191

Statement referred to in the reply to unstarred question No. 46 (viii).

Years.	1 (a) Average cost per pupil in European Primary Schools.	1 (b) Average cost per pupil in European Secondary Schools.	2 (a) Average cost per pupil in Indian Primary Schools.	2 (b) Average cost per pupil in Indian Secondary Schools.
	Rs.	Rs.	Rs.	Rs.
1922-23 ..	92·8	138·8	3·6	28·2
1923-24 ..	71·8	135·5	3·6	28·2
1924-25 ..	79·3	134·9	3·6	27·9
1925-26 ..	81·3	131·3	3·7	28·3
1926-27 ..	94·2	136·6	3·8	29·2

Statement referred to in the reply to unstarred question No. 46 (ix).

Years.	1 (a) Government grant per head of pupil in European Primary Schools.	1 (b) Government grant per head of pupil in European Secondary Schools.	2 (a) Government grant per head of pupil in Indian Primary Schools.	2 (b) Government grant per head of pupil in Indian Secondary Schools.
	Rs.	Rs.	Rs.	Rs.
1922-23 ..	42·3	57·3	1·3	5·2
1923-24 ..	29·5	52·5	1·3	4·9
1924-25 ..	38·9	56·1	1·2	4·6
1925-26 ..	38·4	58·1	1·2	4·9
1926-27 ..	48·8	59·3	1·3	4·9

Babu AKHIL CHANDRA DATTA: Is the difference in the cost of education between the European boys and the Indian boys due to any other reason than this that Indians are the children of the soil while the Europeans are not?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The reason is known to all; it is obvious and I do not think it requires any elucidation from me.

Babu AKHIL CHANDRA DATTA: The Hon'ble Minister has not answered my question. My question is a specific one. Is the reason this? It can only be answered by "yes" or "no."

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Really speaking I cannot catch him.

Mr. PRESIDENT: Mr. Datta has asked whether there is any other reason than what he has anticipated. If the Hon'ble Minister wants to give any other reason he may do so, or he may say that there is no other reason or that he is not willing to give any other reason. [Pause.] The Hon'ble Minister does not want to give any other reason.

Babu AKHIL CHANDRA DATTA: I do not want any other reason. I want to know whether this is the reason, namely, that the Indians are the children of the soil and the Europeans are not.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: No.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Minister be pleased to say what then is the reason for this differential treatment?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want fresh notice.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Minister be pleased to state who is responsible for this differential treatment?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Government are responsible for the distribution of the money.

Babu AKHIL CHANDRA DATTA: Sir, I appeal to you to say whether this is an answer.

Mr. PRESIDENT: That is no answer.

Babu AKHIL CHANDRA DATTA: Is it His Excellency or the Minister or the Member or the Secretary?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Government consisting of the Members and the Ministers and the Governor. Government as a whole distribute the money.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Minister be pleased to tell us if there is any circular or rule or any standing policy of Government under which this sort of differential treatment is made?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: There is no such circular.

Babu AKHIL CHANDRA DATTA: Then who does it? Is it done at random or at the sweet will of any particular officer?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It is being done from time immemorial.

Mr. JOGESH CHANDRA GUPTA: Does the Hon'ble Minister suggest that it is an invariable time immemorial custom?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes.

Mr. F. E. JAMES: Is the Hon'ble Minister aware that the amount contributed by fees, subscriptions and endowments per head of pupil in European schools is far greater than the amount contributed by Indian people to Indian schools? Will the Hon'ble Minister give figures as to those contributions?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I cannot.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to let the House know the difference in percentage even after the higher contribution in salary and other things?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice.

Babu BEJOY KRISHNA BOSE: The answers given by the Hon'ble Minister is that it is a time immemorial custom, but the British are here not from time immemorial but for 150 years. Is the Hon'ble Minister right when he says that this is a time immemorial custom?

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state what is the respective population of Europeans and Indians in the Presidency of Bengal?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The Census Reports will give that.

Mr. SUBHAS CHANDRA BOSE: Is it not a fact that the Hon'ble Minister has now power to veto this expenditure on European pupils?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It is not my department.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whose department it is?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The Hon'ble Mr. Marr's.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Mr. Marr state if he is responsible for expenditure on European pupils?

The Hon'ble Mr. A. MARR: I am.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state if it is not a fact that the European population of Bengal is 44,000 and the Indian is 45 millions?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I cannot reply to a question like that.

GOVERNMENT BILL.

The Bengal Tenancy (Amendment) Bill, 1928.

Babu SACHINDRA NARAYAN SANYAL: I rise to make a few observations on the proposed legislation inasmuch as it affects the vital interests of 90 per cent. of the population of Bengal. From the nature of yesterday's discussion it was evident that the Bill did not satisfy all sections of the House. But I would at the outset urge upon my hon'ble friends not to make the atmosphere too hot at this stage and appeal to them to approach the questions with open mind. I fully agree with the Hon'ble Member in charge of the Bill that consideration of the amendment of the Bengal Tenancy Act cannot be deferred any longer as the Bill in draft had been pending for a number of years. I am inclined to think that the time at our disposal was too short and it would have been better if we had been given sufficient time to make informal discussion amongst ourselves—the representatives of the tenants and zamindars—in order to arrive at a satisfactory compromise. However, I do not think it is too late as yet.

I would in conclusion earnestly appeal to the House to settle the conflicting issues involved in this Bill "with justice and fairness to all" and lay the solid foundation of nationalism in Bengal. I therefore humbly request the representatives of the landlords to grant as much concession to their raiyats as is possible and appeal to the tenants' representatives not to insist on their rights in a true literal sense in order to deprive the landlords of their time-honoured powers and privileges. Let us all take part in the deliberations with an unbiased mind and in a spirit of compromise and sweet reasonableness and thereby render justice both to the tenants and the landlords. Let us

all arrive at a compromise between the conflicting interests of the zamindars and the raiyats with regard to the proposed legislation and thereby bring about the permanent welfare of this province.

3-30 p.m.

Srijut JOGENDRA NATH MOITRA: Sir, I stand not to accuse or defend the much abused zamindars or make any reflections for or against any party in particular. I do not also consider it a proper occasion to enter into the question of the Permanent Settlement—either to support or vilify the measure. I stand simply to make brief observations on the general aspects of the Bill under discussion. Sir, at the very outset I am sorry to admit that I cannot congratulate the Hon'ble Member for presenting the Amendment Bill which in my humble opinion will hardly produce any good to the raiyats and the under-raiyats—not to speak of the land-holders. Although the Bill contemplates to curtail the rights enjoyed by the land-holders so long, no tangible benefit has been conferred on the raiyats or the under-raiyats for whose benefit the amendments have been sought to be made.

I admit, Sir, that in the present state of ferment and party feelings in our country it is difficult for any party—however disinterested they may be—to suggest any change that may be satisfactory to all the parties concerned. But I do think it possible to follow a clear line of policy without suggesting half-hearted and piecemeal measures.

Sir, by this amending Bill the occupancy raiyats have been given the full rights of transferability on payment of stipulated landlords' fees, to enjoy and cut down trees, to raise pucca structures and to dig tanks, etc., without any permission or obligation to the landlords. The under-raiyats have also been given almost all the status of an occupancy raiyat except the new right of transferability.

But when we start to examine the new Bill clause by clause we shall come to the inevitable conclusion that there are several loop-holes in them which will only multiply litigation which means harassment and expense culminating in ruin for landlords and tenants. All powers even in minor matters have been appropriated by the Government who will of course profit by such disputes and if I am permitted to say, and my experience of the method of Government administration strengthens me to do so, that the Government will indirectly encourage and relish the multiplication of the disputes for more reasons than one.

Sir, according to my moderate estimate, I find, that if the Bill comes into law it will necessitate further grant of about 20 lakhs of rupees a year as expense all of which or more will of course be recovered from parties in the shape of court fees and process fees, etc.

On the question of transferability I have one word to say. The effect of it on the tenants—as I have known them so long and intimately too—will be hardly beneficial. Thoughtless and thriftless as

most of them unfortunately are, they will be more apt to fall an easy prey to the money-lenders—and also the Rural Co-operative Banks—and will ultimately stand in further risk of losing entire or part of their holdings. A safeguard is therefore necessary, so that capitalists and other non-cultivators may not have access into these lands held by the tenants.

Personally speaking, I think the zamindars should not object to the transferability in question subject to the landlords' fees and moreover should relinquish their rights over trees.

The Hon'ble Member has rightly said that we are going to discuss a very important Bill inasmuch as it involves the interests of over 90 per cent. of our countrymen in Bengal. We should approach it in a well-reasoned manner free from heat and resentment and see that justice is done as far as practicable to all the parties concerned, particularly the cultivators of the soil.

Sir, I may mention here, that I have the honour to represent a part of the Province where the first cry was raised by the tenants against the oppression of some zamindars. The Bengal Tenancy Act of 1885, if I am permitted to say, owes its origin in Pabna. The raiyats organised themselves and rose in open revolt (বিদ্রোহ) against the zamindars in the year 1873. It commenced in May and June and continued for some time. The following extracts from the letter of Mr. P. Nolan, the then Subdivisional Officer of Serajganj, will give you some idea of the nature of agrarian riots:—

"The excitement caused by the union of hundreds of villages in a league became intense. Representations were sent to different parts of the subdivisions, inviting new villages to join: houses blown and secret meetings were held—serious outrages occurred—inhabitants of villages falling on and plundering a neighbouring hamlet with which they had a feud, after the inmates of the threatened houses had retired."

The causes of the serious rising may be found in "Hunter's Statistical Accounts"—(Pabna). It says—"These were the two original causes of the dispute—a high rate of collection as compared with other parganas and uncertainty as to how far the amounts claimed were due. The third and auxiliary cause is to be found in the violent and lawless character of some of the zamindars and of the agents of others."

This riot gave rise to a great commotion in the country. The Government and all the thinking public felt a great necessity for a legislation defining the relation between the landlords and the tenants. So says the Imperial Gazetteer of E. Bengal—"The agrarian riots of 1873 in Pabna are very important, because it led to the exhaustive discussion of tenants' rights which culminated in the 'Raiyats

charter '—The Bengal Tenancy Act of 1885. We also find similar accounts given by C. E. Buckland in his "Bengal under Lieutenant-Governors."

Sir, I am proud to quote the above extracts. Proud, because I feel that it was from Pabna that the voice of resentment was raised against unjust oppressions. I have great admiration for those people who have courage to stand against unjust and drastic measures whether it comes from the Government, zamindars or any body else.

Sir, I do not go into the details of the Bill which I reserve on future occasion when the amendments will be taken up. I request the House to consider coolly and dispassionately the Bill before us and try to come to a happy and reasonable solution.

Maulvi KADER BAKSH: Sir, last evening we heard several hon'ble gentlemen discussing the Amendment Bill from different standpoints. Some of them were of opinion that the Bill as it stands will be not either for the protection of the right of tenants or for giving much advantage to the zamindars if passed into law.

The Hon'ble Sir P. C. Mitter has said that the Bill aims at a compromise between the conflicting interests of landlords and tenants and was meant to meet the grievances of both the parties. I, for one, have tried but failed to realise that the amendments were based on a spirit of compromise. I understand, Sir, that compromise enunciates the principle of "give-and-take policy." The parties to the compromise must be open minded, must give to and receive from each other such matters which will help the healthy growth of both. Compromise does not mean that one party should give and give only and receive nothing worth receiving and the other party will receive and receive all the advantages. No one—be he a tenant or a zamindar or anybody, neither a zamindar nor a tenant, as Sir Abd-ur-Rahim calls himself—who has given his serious attention to the several amendments as embodied in the Bill, can conscientiously say that the Bill has given any advantages to the raiyats. It will be very easily found, when analysed, that the Bill has provided for loaves and fishes to the zamindars and has given nothing but stone for the poor ill-fated raiyats. The last pound of flesh has been demanded from the raiyats, whilst the iron hand of the zamindar has been made stronger still. Had the Bill been conceived in a spirit of compromise, equity, justice, good sense and fair play, the legitimate and natural rights and claims of the raiyats would not have been so shabbily treated. Alhadj Sir Abdelkerim Ghuznavi in welcoming the provisions of the Amendment Bill expressed in an emotional manner that the interests of the zamindar and the tenants are identical and that every landlord is in duty bound (if he is worth his salt) to look to the material, moral and social well-being of his tenants. It sounds beautiful to the ear but

alas that golden age is never to come. Had the landlords of Bengal been alive to their duty there would have been hardly any necessity of any legislation for amending the Bengal Tenancy Act.

Sir, there is no denying the fact that the idea of bringing about some changes in the existing Tenancy Act had its origin in the repeated demands made by the ill-fated raiyats of Bengal through the Press, through several of their organisations and through their representatives in the Council. The Tenancy Bill was passed by the Legislature at a time when there was hardly any one to represent the case of the raiyats. As such it wanted revision and reconstitution very badly. Government was also pursuaded to think that the existing law should undergo some changes—certainly a change for the better—such a change as would give the raiyats some sort of protection with regard to their legitimate rights. Now, Sir, one may fairly ask—"Has the amending Bill afforded any real protection to the raiyats or removed any of their grievances?" Babu Jitendralal Bannerjee in his forceful speech has most appropriately said that it has provided for, if any, in an extraordinary manner, protection to the landlords and has given them additional sources of undeserved income which the existing law does not give them. The Bill as it stands might very well be termed as the Black Cobra Bill. The tenant has been thrown open to attack from all sides. It has ensured for the landlord a salami calculated at 25 per cent. of the purchase money in all transfers and in addition it has equipped him with a most powerful engine of oppression—in the shape of the right of repurchase—a right of pre-emption hitherto known only in Muhammadan Law. This right in Muhammadan Law has been considered by many as a most inequitable law and the extension of the same in this age of democratic ideas cannot be defended in any way. With all these powers to the landlords the proposed right of transferability of occupancy holding is not only a huge farce, it is rather a delusion.

What is the principle in the idea involved in this right of repurchase? Will exercise of this right of repurchase improve the material prosperity of the nation? Will the absentee zamindar be able to rise above the temptations of Calcutta and go back to the village to cultivate the lands thus acquired? Will he give up the fight for Ministership or Hon'ble Membership? If not, why should he be granted this right of imaginary occupation? Will it have the so-called desired check upon the undefined undesirable persons coming in possession if transferability is granted? The landlord will never consider, I believe, the desirability or undesirability of the persons when resettling these pre-empted lands—his sole object would be to get more money, no matter from whatever persons it comes. The silver tonic administered to the landlord will bring about a radical change—as if by magic—in the mentality of the landlord. Desirability will then resolve itself into a question of few more coins.

Then there are the involuntary rent sales in courts at the instance of the landlord; how will he prevent the admittedly most undesirable man on earth coming to bid at such a sale? I must thank the landlord for his expression of the anxious care to save the illiterate, idiot and unprotected tenants by this process. This care on his part has been very aptly described by Mr. A. K. Fazl-ul Huq in the care of the wolf for the lamb.

The zamindar must be told unreservedly that the tenants in the year of our Lord 1928 are quite competent to understand what is for their interest and what is not and how to protect their interest and who are their best well-wishers—the agitators of Alhadj Sir Abdelkerim Guznavi or Alhadj and his companion zamindars.

3-45 p.m.

By this process of pre-emption all the lands in the village will eventually pass into the hands of a set of undesirables. It will defeat the so-called honest intention of the landlord.

Section 29 has not been touched. There is no justification why the landlord should get a share in the profits caused by the rise in prices of staple food crops if there is really any such rise. It is the worst form of taxation upon the foodstuff. Has the zamindar ever helped the raiyat in advancing the fertility of the soil? The rise, if any, is not due to any act undertaken by the landlord; why then should he get a share of it? What is the logic involved in it, I fail to understand. I say, Sir, and I am supported by mathematical calculation, that there has really been no rise in prices of the staple food crops within the last 20 years. Has the landlord ever cared to understand that the cost of cultivation has gone up by 500 per cent. since the beginning of the Great War, and that the country has been subjected to famine during this period oftener than before? The raiyat has not been able to get any advantage by this rise in prices. It is a matter of mere simple arithmetical calculation. I will earnestly appeal to any zamindar to take a little pain to go into the interior of his zamindary and ascertain for himself the increased income of a tenant due to rise in prices and his increased cost of cultivation from the time of the Great War; if he so desires he will find that the increase in the income of the tenant is a big *zero*. The depreciation of the soil has to be taken into consideration owing to the repeated use of the soil without adequate manuring.

With regard to the 25 per cent. salami on transfer, why should the landlord get any salami? Is he a party to the sale? Is he a man who is negotiating the sale or is he a man any portion of whose right in the zamindary is going to be alienated? Does not the landlord sell his zamindary at times to the most undesirable man, undesirable from the side of the raiyats? Can the tenant object to such a sale? Does

such a transferee pay any salami to the Government or does he insure in any way the safety of the tenants at his hands? The salami of 25 per cent. is also a worst kind of taxation and the burden generally will have to be borne by the transferers. The transferer is thus prevented from getting a fair price for his lands. The zamindar's quota of the salami also will decrease; the position of the transferee will be still worse. He will never be secure in what he purchases. The sword of Damocles will be always hanging over his head ready to fall upon him any moment. Sir Abd-ur-Rahim has truly said in his able speech that the position of the tenants in such a case will be like that of the serfs of the English history of olden days—they will be so many slaves.

This right of repurchase is fraught with grave dangers—a time may very possibly come when the lands of the village have been all resettled with the most undesirable persons, such as money-lenders, companies, etc., by the greedy and needy landlord and the whole villagers turned into so many coolies, like the coolies in the tea-gardens of Assam and Duars.

Under all these circumstances, the right of transferability will not thus be a real right. It is thus a huge delusion and may be thought and proved in no distant future to be a "Huge Fraud."

In return for all these disadvantages to the tenants they have been given the right in some trees. Such a right is most insignificant as compared with the disadvantages.

Then, Sir, the most intricate and inexplicable process of ascertaining the adequacy of the price of the land transferred, if the landlord of the land thinks rightly or wrongly the prices as mentioned in the deed of transfer as inadequate, will increase litigation to an inconceivable manner. No doubt it will bring in some revenue to the State, but the miseries of the people will be immense and will neither benefit the landlord nor the raiyat. I do therefore appeal to the members of this House specially the zamindar class in all the earnestness I can command to pause and ponder a little, when the amendments come before the House, clause by clause, for consideration, forget for the time being that they are tenants or zamindars, Congress men or otherwise, Hindus, Mussalmans or Europeans, but that they should be actuated by an honest motive for the best interest of the material advancement and the economic progress of the land we live in, take into consideration the hard lot of the raiyat of Bengal, and try to avoid the creation of any strained or bitter feeling between the landlords and tenants.

Mr. DEPUTY PRESIDENT (Khan Bahadur Maulvi Emdaduddin Ahmed): I desire at the outset to clearly and emphatically state that I have the fullest sympathy with the rights and privileges of the

tenants. I feel and I strongly feel that the time has now come when the rights and privileges which the tenants are demanding should no longer be withheld. After all, these concessions which they are demanding are not much, considering the oppression which they often suffer at the hands of the "gomasthas" of the landlords, particularly I am sorry to say the absentee landlords. If the landholders really felt that they owe a duty to their tenantry, it was their business to discharge that duty by spending at least a reasonable portion of their time amidst their tenantry and by taking suitable steps so that their underlings may not in their name unnecessarily harass and oppress their tenants. There are some unmistakable demands on the part of the tenants. These are, the right of transferibility of occupancy holdings, right to trees, right to dig tanks, sink wells, build masonry structures, in short that entire freedom which is necessary for the tenants to deal with their own property as they wish. These rights I maintain should no longer be denied and no one in this House should oppose them. I listened carefully to the speeches that were delivered yesterday and I am sorry to say some of them seemed to lack in that dispassionate review which this important measure demands, and which is so necessary when dealing with a question like this. In this view I cannot help thinking that the remarks of a personal nature that were made, notably those that fell from my friend Babu Jitendralal Bannerjee, must be regretted by all. I yield to none in championing the cause of the tenantry. At the same time I voice the tenants when I say that they do not desire that the landholders should be turned out wholesale. They merely plead for fair dealing and fair play for themselves. They too know how to discriminate between this and that zamindar and they would not wish that their representatives while championing their cause should unbridle their tongues and speak disrespectfully of any one. In a debate on this measure personal rancour should find no place. Some of my friends seem to have entirely misconceived the spirit of the speech that was delivered by Sir Abdelkerim Ghuznavi, from the trend of which it seemed quite clear that Sir Ghuznavi was in no way opposing the Bill but on the contrary supporting it. He stressed the necessity of safeguarding the tenants against the rapacious money-lenders.

Sir, the present Bill has not gone far enough in according sufficient protection to the tenants, although they are a class that need protection most, as on the fruits of their labours depend not only the well-being of the class that oppresses them but also of the professional classes and the middle-class generally. I can quote heart-rending instances of the oppression by zamindars and their underlings, who not only exact abwabs in various shapes and forms but even prevent them from enjoying the ordinary rights of a freeman. Their right to trees is really inherent and should not be hampered by fixing any price for those trees. Similarly, their right to transfer their holdings should

also be untrammelled. Measures should be adopted whereby the economic value of their lands may gradually rise and suitable markets should be found for their products. The toil and labour which they have got to undergo in the growing and final preparation of jute for market are not sufficiently compensated by the price they get. The lot of the under-raiyat should be further improved by giving them a greater status than what is proposed in the Bill. In short I claim on behalf of the tenants that they should be allowed to improve their condition, to enjoy their own property and the fruits of their own labour without let or hindrance on the part of any one, be he a zamindar or money-lender or both.

Coming now to the actual provisions of the Bill, it has been laid down that in the case of transfer by gift or bequest the landlord's fee should not be realised. In this connection I would refer you, Sir, to the provisions of the Waqf Validating Act of 1913, and I think that the provisions of that Act should be added here and no landlord's fee should be realized in case of transfer under the Act.

I think that the salami fixed at 25 per cent. of the consideration money is excessive especially in case of the sale of a portion or share of the holding as at the time of the division of the holding and mutation of name the tenant has again to pay salami, if section 88 stands as it is, as in that case he will have to pay salami twice, once at the time of the purchase and again at the time of the division of the holding. The clause that the landlord's fee shall amount to six times the annual rent of the holding or of the share or portion transferred should, I think, be done away with, as the annual rent varies in different parts of the country.

With regard to the clause about the right of pre-emption, I think the effect of this clause will be that money-lenders and non-agriculturists will ultimately take possession of the lands by prevailing upon the landlord to exercise this right.

With regard to the enhancement of rent on the ground of rise in prices, one thing, it appears, has not been taken into consideration. There is no provision about the wages of labour. Unless there is some provision to this effect the clause should, I think, be omitted.

4 p.m.

Of course subject to correction I say this that there is no provision to the effect that the transferee is only liable for arrears of rent after the transfer. There is no specific provision in the Tenancy Bill and in the absence of such a provision there may be misunderstanding giving rise to litigation. Then, the words "until the contrary is shown section 76," have given rise to a lot of misunderstanding and litigation. Landlords have often recourse to law courts. I hope, therefore, that this portion should be omitted. I know of one

case in which a tenant dug a ring well at a cost of Rs. 20 and the landlord knowing full well that he would be defeated went up to the Munsif's court where he was defeated. From there he went to the District Judge's court and the result was that the poor tenant who could not proceed further had to pay a nazarana to the landlord in order to get a right to the well. So, I think, the words "until the contrary is shown" should be deleted. There will be occasions when we shall have to deal with these points fully. I give some indications of these points as to what will happen in these cases, so that Government may know what we think of these matters.

Babu AMARENDRA NATH GHOSE spoke in Bengali, the English translation of which is as follows:—

"Sir, before discussing on its merits the Bill which has been introduced in the House, I may, without any hesitation whatsoever, say that this Bill has not been conceived as it should have been. It has little relation to the needs of the people and if it is to be of any considerable benefit to the people it must be revised wholesale. Mere patch work will not do. It is almost after the lapse of half a century that the Government have found it convenient to put some amendments on the Bengal Tenancy Act to cover such cases as the Provincial High Court and the Privy Council found difficult and almost impossible to deal with effectively in view of the rulings passed by these courts from time to time. It is to facilitate this that the present Amendment Bill has been drawn up, a tinkering on the old frame-work of the Bengal Tenancy Act, with the solitary peculiarity that a covert attempt at class division has been made in it. Persistent attempts have been made that under provisions of the new Bill there may be a disruption of amicable feeling between the tenant and the land-holder, there may be an increase in the number of litigations. This sugar-coated pill of ineffectual bitters has, of course, been presented very cleverly and I am sure my Hon'ble friend shall be greeted by the loud acclaim of the lawyers of the Province. I feel, Sir, this is the gravest and by far the most important of the problems that have been handled by the Legislative Council for the life of the nation and its progress depends in a great degree upon the Bengal Tenancy Act. The first and greatest requisite of life is food and on this Act, the production of food depends.

When Government permanently settled the zamindars it fixed once for all the revenue they have to pay to it, but reserved to it the power of settling, from time to time, the relation of the peasant to the landlord and to the land. This is what gave birth to the Tenancy Act, amendments to which have been placed before you now. We must proceed with the greatest possible care when discussing them.

In common use we do not use the terms "landlords" and "tenants" in the same sense as in the Tenancy Act. We generally

think of a zamindar whom we say a landlord and the tenant is often synonymous with the "peasant" or "cultivator." But, really, the varied class of landed people from the big zaminder to the petty tenure-holder is the class of "landholders" in the eye of the law. So it would be a mistake to discuss the zaminders when we think of discussing the landlord and to discuss the cultivator when we think of discussing the tenant, as the tenant being merely one who pays rent to the landlord may comprise the cultivator as well as the procurer of cultivation. The tenant is not always, as we often suppose, the ill-clad and ill-fed, toiler in the field; he is sometimes literate, well-housed, well-groomed and may never touch the plough himself. There is an intermediate class between the opulent landlord and the poor peasant, the middle class, which makes up the bulk of the nation. They are a sort of amphibious creatures, being tenants and petty landlords at the same time. They usually possess "jote" lands which they get cultivated by "bargadars" or hired labourers, together with tenures, from which they derive some revenue.

There is yet another principle of classification, the educated and the uneducated classes. The rich and the middle classes may be taken to be the "educated" community and the artisans, labourers and peasants the uneducated community. The educated man may be a zaminder, talukdar, tenure-holder or raiyat, but he is never a cultivator. As almost 95 per cent. of the total population of the country are uneducated, the interests of these people are the interests of the country. It is a land, not of the rich, but of the poor; it is a land, not of the educated, but of the illiterate, ignorant masses, who have not education and sense enough to see to their interests, nor the sensibility to be fully conscious of their travails. They are resigned fatalists, because they are helpless in every way; they are represented by the "fine gentlemen" because they are strangers to the polished language of the court. I can only hope my friends here will not forget the millions who are outside the Legislative Chamber.

The deputies of the peasants, who are in this House at this moment have, unfortunately, interests that differ from and sometimes clash with the interests of the people whom they represent. I am sure there is not a single one who has ever handled the sickle in his life. We merely live upon the peasants' income, and all our fine carriages, halls and other inevitable luxuries are the peasants' forced contribution. Whatever class we belong to, we owe our sleekness and sap to the cultivator. The real begetter of wealth is the peasant and we, zaminders, talukdars and other landed gentry are merely robbers and swindlers enfranchised by law and tradition. This bitter exchange of cruel words, this raging battle of vocal chords which we have been witnessing these two days are merely splits among the spoil-getters, not among the producers of wealth themselves.

I do not propose to abolish the zaminders or other landlords. I am fully of opinion that for many years to come the existing system shall have to continue. I do not know when we could see to the cultivators' interests alone. Should there be no intervening class between the ignorant peasant and this exploiting Government, Bardolis shall be as frequent as the monsoon showers.

This is the Bengal Tenancy Act, not the "Landholders' Rights Bill." We must, therefore, set about for every change with a constant eye to the interests of the tenant. We must enhance the titles and interests of the tenants to the land, but not in a way such that the reasonable titles of the landlords may be gone. The true relation between the landholder and the tenant lies in that the former is entitled to the rent of the land the latter is enjoying, while the latter is entitled to enjoy the land at his will on payment of rent. This House will justify its name and its professed objectives if it can establish this relation between these two contending parties without leaning to any side.

There may be in this House members who are exclusively for the interests of the landholders. Likewise there may be members who are exclusively for the interests of the peasants. I believe, however, there is no want of members who are anxious to pursue the interests of both landholder and the tenant, and to effect a stable peace between the two parties.

In that case, this reformed Act will not be of any utility, either to the country or to its people. On the other hand, it will act as a death-weapon for the destruction of Bengal.

In short, my argument is this: We shall have to perform our duty by having due regard for the interests of the rich, the middle class and the poor alike.

We are only discussing about the landlords, tenants and cultivators, but we must also take care of the interests of the artisans. The weavers, the blacksmiths, the carpenters, the oilman and other artisans are living on their ancestral lands for several generations. But the landlord can eject him at his sweet will, if cultivable land or "jote" land, is not attached to the dwelling land. In order to be saved from this ejectment they are compelled to keep some amount of cultivable land with the ancestral dwelling-house.

This is true of the other business classes, too. I am not speaking either of those who, after having their home erected, run any business or let them out, or of those who live on their ancestral dwelling-land with wife and family and earn their living by running some business there. If only those dwelling lands be made free from ejectment, both cultivation and cottage industry will make further progress. My

reason for this assumption is that the cultivable land which these artisans were compelled to keep with their homesteads in order to save them from the whimsical ejectments of the landlord will no longer be required by them. They will gradually pass over to the hands of the cultivators. We shall have to bear in mind that we are representatives as much of the artisans as of the other classes. So it will be improper if we forget their interests. Many people are apprehending that many zamindars, such as Sj. Debendra Lal Khan, Sj. Taraknath Mukerjea, Rai Harendranath Chaudhuri, Maharaj Kumar Sris Chandra Nandy, the Sarker brothers of the Swaraj Party, Sj. Saral Kumar Dutt, Rai Satyendra Nath Roy Choudhuri Bahadur, Sj. Sachindra Narayan Sanyal, Sj. Jogendra Nath Moitra, Sj. Ranjit Pal Choudhuri, Nawab Khwaja Habibullah, Sir A. K. Ghuznavi, Mr. Altaf Ali and others, though they have been elected to the Council as representatives of the people, will try to make the Bengal Tenancy Bill a more convenient instrument to aggravate their selfish interests.

I pray to God that this apprehension of the people be untrue. The people of Bengal will, I hope, be directed by them in a way which would conduce to the good of all. Among the five members of this Council who have been elected as representatives of the zamindars some have been taken in as high Government officials. Some are loitering at the gate of hope. So it is not improper to hope that they will not utter a single word of protest against the will of the Government in order to safeguard the special interests of the landlords. Such is the case with the Hon'ble Nawab Musharruf Hosain. The Hon'ble Nawab Sahib has been elected as the representative of the Muhammadan community of the districts of Malda and Jalpaiguri and afterwards has been appointed to the post of a Minister. So the Muhammadan constituency of the said district cannot expect that the Hon'ble Nawab Sahib will utter a word of protest against the will of the Government in order to rectify any injustice done to them or to safeguard their interests. To me it seems that transfer of tenancy, right of pre-emption of the landlord, right of erecting pucca buildings or excavating tanks, etc., division of the rent of tenure-holder and tenant, and what right will be given to the under-raiyat, these are the subjects on which heated debates will ensue. If the representatives of both the landlords and the tenants do not come to a settlement by making proper and necessary sacrifices, then the fire which will be kindled in the Council House will, without delay, spread throughout the whole of Bengal and will bring about only chaos and ruin. The recent hitch between the Hindus and Muhammadans in Bengal was, I think, due to a hollow and inflamed, sentimentalism which had no real foundation. So it is gradually dying away. But if a fire is kindled by the clash of interests of the landlords and tenants, then it will never be quenched without burning both of them to ashes. I am earnestly requesting every member here present to see that the seed of destruction be not sown in the land of Bengal.

Last of all, I have only another word to say. I find in the manuscript of this Bill that the Government will be able to empower at will some landlords to collect revenues by issuing certification. By this means Government will create another "dead sea apple" like the ministership. Who knows how many landlords will be tempted by the Government in times of need, by the offer of the "honour." I am in favour of the system of collecting revenues by issuing certificates, because when civil suits are brought against the tenants for arrears of rent, the cost borne by the landlords are decreed against the tenants. Suits for arrears of rent are brought to the civil courts when the tenant cannot pay his due rent. If, over and above this, the court expenses also are decreed against him in addition, the condition of the tenant becomes miserable. But for that reason the present clause cannot be stopped. The clause is detrimental to the interests of the country and greatly insulting to the landlords, as a class. If the power of issuing certificates is to be allowed, it should be allowed to all the landlords. Otherwise this insulting and detrimental clause should not be supported by anyone, either by the landlord or by the tenant."

Srijut BIJAY KUMAR CHATTERJEE: The question has been raised for whose benefit this Bengal Tenancy Bill has been drafted. Some of the members have suggested that it has been drafted for the benefit of zamindars, while we find a section amongst us who say that the Bill has been drafted for the benefit of tenants. Frankly speaking I cannot say definitely for whose benefit this Bill has been drafted. We on this side of the House have always got a suspicion in our mind that when our Government do anything they have some motive behind it. On this occasion also we suspect that there is some motive behind this attempt to amend the Bengal Tenancy Act. I do not know whether there has been any connection with this and the Royal Agricultural Commission. The result is we find that the Bill is not a satisfactory one and it has not created any impression on the minds of the members present or on the public. It has been very unsatisfactorily drafted; it is cumbrous; it is very complex. We think litigation will increase and, as has been suggested by Babu Amarendra Nath Ghose, the only person who will be benefited will be the lawyers but the tenants as well as the zamindars will be ruined. During the discussion we find that there has been some heat during the debate—some of the members taking the side of the zamindars, while the others taking the side of the tenants. In a society if we take the very reasonable view the interests of both the tenants and the zamindars should be safeguarded. We cannot do away with one class for the benefit of the other class and the only solution of this is that both the classes must co-operate with each other then and if they do so the result will be the common good of all. This particular term "tenant and zamindar" is also a very vague one. There are many other different classes between the zamindars and the

tenants and if during the discussion we take the side of a particular class either of zamindar or of the tenants, we ignore that there are other classes who have also got some interest in the land. Speaking from an impartial point of view I can say that absentee landlords are very bad. The landlords must look to the welfare of the tenants, must sympathise with the tenants and should also look to their interest. But at the same time we cannot ignore the fact that much benefit to the society has been done by the landlords. If we look to the many charitable institutions or to the many philanthropic endowments we find that the zamindars have done much good to the people. But in many cases the zamindars do not look to the interest of the tenants and I appeal to the zamindars that in order to protect their interest they should also look to the interest of their tenants and that they should follow the noble example of many of their predecessors. During the discussion of this Bill when we shall deal with section by section we shall be able to show the inconsistencies in the Bill but for the present I would only say that the Bill, as it has been drafted, will create landless tenants and these tenants will be under the control of the money-lenders. That is my apprehension.

Maulvi ASIMUDDIN AHAMAD spoke in Bengali; the English translation of which is as follows:—

"Sir, discussions have been going on on the Tenancy Amendment Bill for the last two days and it appears that neither the landlords nor the tenants' party are satisfied with the Bill. My own opinion is that the object in view would have been best attained by a compromise between the two parties either inside this House or outside. But on account of the attitude taken up by the two parties it has been impossible to try to effect such a compromise. The Bill, such as it has emerged from the Select Committee, cannot be fairly described as a Tenancy Bill. Amongst numerous provisions of the Bill there are some which are seriously detrimental to the tenants' interest, such are, for instance, sections 26D, 26F and 88 It is difficult to see why the landlords are to get a 25 per cent. landlord fee on the sale value as soon as a deed of sale is registered. In return for what service are they entitled to this fee? It cannot be said that they increase the fertility of their land by means of irrigation or in any other way. To speak the truth, the tenants are the true owners of land because it is very often they who reclaim forests and render land fit for cultivation. They also bear the burden of enhanced rent on the ground of increased production and as the result of survey and settlement operations. While section 26D provides for automatic registration of the name of the buyer of a land on payment of the landlord's fee, section 88 provides that, in case of subdivision of tenancy, recording of the names of buyers in his sherista is not binding on the landlord. It is thus seen that no remedial

measure has been adopted against a fruitful source of the impoverishment and ruin of joint holders of land. Section 26F gives the landlord the option of buying up a land which is purchased by an undesirable tenant on payment of an extra 10 per cent. No definition has been given of an undersirable tenant. Moreover, an undesirable tenant may be as easily found as an undesirable landlord who may lease out a piece of land, brought under khas possession in this way, to mill-owners or other non-agricultural bodies. While the Bill provides a check against undesirable tenants, there is absolutely no check against one whom Maulvi Fazl-ul Huq described yesterday as an undesirable landlord. Section 23 forbids the tenant to fell seven kinds of trees. What justice is there in forbidding him to fell a tree which he has planted? It is maintained that ample protection has been given to under-raiyats. All this protection consists in this that when an under-raiyat has lived continuously for 20 years on a plot of land, he cannot be ejected. No man who is prepared to pay rent should be ejected from his homestead. Unless we admit this, all our talk about Swaraj and freedom is only empty sound.

Advantage has been taken of the barga system by many landlords and mahajans to exploit the poor barga cultivators. I can speak of this from my own experience. This is the reason why there is such a cry against giving tenancy right to barga cultivators. I do not propose that the lands of widows or minor children, who have at most 50 or 60 bighas of land at the hands of barga cultivators, should be taken possession of by barga holders or tenants, but I do propose that some sort of right in the lands of those who habitually lease out 100 to 200 bighas on barga system and run the affair as a business concern, should be given to those who cultivate them as barga holders. In that case they will try to increase the production in the lands held by them."

Mr. PRESIDENT: Maulvi Saheb, your time is up.

Maharaja JOGINDRA NATH RAY, of Nator: Sir, being the representative of the landholders of the Rajshahi Division, I deem it my bounden duty to speak a few words on behalf of the persons whom I have the honour to represent in this Council. I shall be brief—as brief as possible in these special circumstances.

Much was said yesterday—and much has been said to-day regarding the "Monumental Blunder of Lord Cornwallis" with all its concomitant evils.

Sir, history would reveal what the landlords have done regarding the welfare of their tenants—even long long before this so-called Monumental Blunder of Lord Cornwallis; even long before the advent of the British Rule.

I am afraid the Communist spirit has been slowly creeping into our society and the cry of "down with the landlord" is finding an echo in the Council hall of Bengal to-day. Thank God the genius of our people is against that outlandish spirit and we are content with the natural evolution of our society and institutions in harmony with our environments.

One thing, Sir, is the lot of tenants outside Bengal, where Permanent Settlement does not prevail, any way better than that of his brother in Bengal?

It has been said the zamindars have done nothing for the welfare of their tenants. But, Sir, the excavation of tanks in the villages have been done by zamindars and zamindars alone.

Charitable dispensaries, schools and colleges and similar institutions of public utility are still flourishing all over the Province of Bengal on account of the zamindars.

Sir, as I said in the beginning, it is not my desire to make a long speech, or go into the merits or demerits of the Act which has been brought before the House; I simply wanted to mention this fact, that a close study of the history of our Province would undoubtedly prove beyond all possible doubt and dispute, that the zamindars as a class have proved to be, if anything, a boon and a blessing to the country.

Just before I resume my seat, I would like to say one thing more. Those gentlemen who have spoken against the zamindars and against the present system of Permanent Settlement, have certainly done so with the best of motives. (Hear, hear.) That is to say, Sir, they have got—above everything else—the good and the welfare of their country at heart and at this identical moment, the zamindars and the non-zamindars should shake hands as brothers; because, whatever be the method, the aims and aspirations of both are the same, namely, the good of the country.

(At 4-45 p.m. the Council adjourned and it reassembled at 4-55 p.m.)

Khan Sahib ABDUS SATTAR: Sir, I rise at the fag end of the discussion to make a few observations lest it be thought that I take no interest in this debate. I have been listening with great pleasure to the speeches that have been made since yesterday. There have been two classes of speakers in this House. One class has been denouncing in very strong terms the zamindars, while the other class spoke in a faint-hearted manner for the zamindars. The first gentleman who spoke on behalf of the zamindars in this House was Sir Abdelkerim Ghuznavi. He put forward a few suggestions. One of his suggestions was that some stringent measure should also be drafted and taken in hand to preserve the tenants from the clutches of the mahajans. He also expressed his sympathies for the tenants. He told the House what

he had done for his own tenants, but unfortunately he was subjected to various sorts of criticisms. The criticisms that were made with regard to him showed that the gentleman who spoke on the matter did not do so dispassionately. Sir, this is a measure which should be discussed not in the spirit in which it has been done by some members since yesterday, but in a most dispassionate manner. Passions should not find their way in this discussion. You should not try to picture the zamindars as so many black sheep.

5 p.m.

I was telling the House that that this is a measure which should be dispassionately considered by us as it concerns the fate of so many of our brethren. If, Sir, voting goes on in the same way as the discussion is going on, I am doubtful whether this would be for the good of those for whom it is intended. In this connection, Sir, I may sound a note of warning. I may also say that I yield to none of you in my sympathy for the tenants, but Sir, if you try to pass this piece of legislation at the point of the bayonet against the zamindar's interests then you will not perhaps be doing good to the tenants, for in the districts a tenant is always in the hands of his zamindar and there are many ways in which a zamindar can come down upon his tenant. Therefore it is all the more necessary that the whole thing should be conceived in a spirit of give and take and compromise. It is no good saying bad things of zamindars and depicting them in dark colours simply because they are zamindars. Sir, the fashion of the day is to decry people in authority; we decry Government because they are people in authority and it is perhaps on the same lines that we are going to decry the zamindar also, forgetting all that they have done for their tenants. Sir, what have they not done all these years? Go to the district and you will find the munificence of the zamindars in having established roads, schools, dispensaries, etc. Some of my friends yesterday said that zamindars are good for nothing and have done nothing whatsoever for their tenants. But I say, Sir, that had it not been for their charity these institutions would not have existed at the present day, but Sir, I will not go into that question now but will simply mention that they are not a sort of people as they have been painted. I would like to tell the House regarding a bit of my own experience from the district whence I come. Sir, I come from the district of Chittagong and there we have not got very many zamindars as in other places. Rupees 15,000 to 20,000 is the highest collection there and Sir, far from the zamindars oppressing the tenants there, it is the zamindar that is oppressed by the tenants. The zamindars have got to pay their revenue to Government on a particular date and as the tenants are not in the habit of paying their rents regularly, the zamindars are obliged to borrow money sometimes by pawning the

ornaments of their wives and children and pay revenue to Government thereby, while the tenants can be in arrear for a great number of years. After some years the poor landlord goes to court and even if he gets a decree against the tenant what can he get after all? He gets nothing practically from his tenants. So, Sir, it is not true that the zamindars always oppress their tenants. Why no provision is made in this Bill to help such landlords? If you look into this and try to meet the situation then you will be doing some good to the zamindars. One of the zamindars of our district is sitting here by me and he can bear me out and verify when I say that in order to find Government revenue the zamindars have in most cases to sell away their own homesteads. There is the sunset law, Sir, that on a particular day before the sun sets, the zamindar has got to pay his revenue, and if he does not get regular rent from his tenant what can he do but to sell off his own property to meet it? The tenants have got nothing to do like this. It has been said that no advantage is given to the tenants in the Bill, but it may also be said that practically nothing has been given to the landlord either. Speaker after speaker has spoken of salami. Sir, what is salami? At the present moment the tenants have been paying more than that which is going to be provided in the Bill—which is a very small amount—and I think they will not grudge. I may also say that these landlords have not got their zamindaris as gifts; they have had to purchase them in most cases and they try to keep them. You may now say "you are nobody here, go away, you men do not cultivate the soil but live away from your estate." It is all very well at the present day to appear in sympathy with them but I do not know if this same sympathy will be shown to them at the time of voting.

It has been said that we will deal with the cultivators only but not with the middlemen. I can give a bit of my experience regarding khas mahals in Chittagong; there they deal direct with the estates. In their case if rent is due and not paid in time—the rent is not less than in the case of private zamindars—action is taken against them under the Certificate Procedure and their holdings are sold off to realise the rent. But do the ordinary zamindars get their rent so easily? In order to realise his dues the poor zamindar has to go to court and often he has to wait for ten, fifteen years even. From the moment he goes to court he does not know when his case will finish and from the door of the court and from the very peons to the presiding judge there are many stages through which he has to pass. What does he find when he gets a decree against his tenant? He finds that he can get no satisfaction from the belongings of his tenant. This shows that the zamindars' position is not so bright as is supposed. So many things could be said on their behalf but it is not necessary for me to mention all of them. As Mr. Sanyal has said there should be compromise between the landlords and the tenants and instead of hurrying this legislation forward and carrying it at the point of the bayonet, there should

be a spirit of conciliation between them and the Bill should have been conceived in that spirit, and it is from that point of view that it should be discussed. These are all that I wish to say at the present moment and will discuss the Bill in greater detail when the clauses are under discussion.

Babu SASI SEKHAR BASU: Sir, it is said that the present Tenancy Bill aims at securing certain rights to raiyats both occupancy and non-occupancy and that this Bill has been described in some quarters as "Tenant's Protection Bill." The idea underlying the Bill, I take it, is to give some substantial rights to the tenants and to remove the present bar, I mean the bar under the present Act, to transferability of the occupancy tenancy held by them. Under the law as it now stands the occupancy right is non-transferable except by custom. The result has been that there have been sales of a major portion of the occupancy holdings the tenant reserving to himself in each case only a portion of the holding to evade ejectment of both the purchaser and himself by the operation of law. The tenant cannot afford to sell the whole tenure and so in a manner is compelled to live in the land and is therefore not made homeless and has not to leave the village. In places where there is no custom for sale of occupancy holding, the tenants could sell occupancy holdings with landlord's consent which generally means a fourth share of the total sum for which the tenure is sold which has to be paid to the landlord to get his consent. But under the present Act of 1885 the tenants have not to pay anything to the landlords nor his purchaser if he retains only a portion of the tenure to himself. It amounts to this that an occupancy tenant under the present Act can get more money for his tenure sold in part and is not made homeless.

In the proposed Act if the principle of transferability is passed into law, would it benefit the tenant or would it now have the effect of making him homeless? The tenant will lose a fourth of the total sum for which the tenure would be sold and he will have to clear out of the land. The rights secured to raiyats for cutting of trees and utilising them, excavation of tanks, erection of pucca dwelling houses, etc., are rights which no doubt, will be for the benefit of tenants and is a move in the right direction.

Status of under-raiyats vesting them with right of occupancy—I submit Sir, that the amending Bill contains some sections [Sections 48 (H) and 49 (1)] in which it is stated that the provisions of occupancy raiyats will—I quote from the language of the Act—so far as possible "apply to under-raiyats." I should think that these provisions should not have been vague giving rise to litigation in future. If it is the intention of the legislature to give such definite rights to these under-raiyats vesting them with occupancy rights provision should

have been made in such a way that there will be no litigation. The repealing of distraint is no doubt a step to help the raiyats and a move in the right direction. I do not, however, think that the provisions made in the Bill for summary procedure for recovery of rent by certificate as under the Public Demands Recovery Act will be workable in view of the limitations placed against such summary procedure in the present Bill.

As for the doctrine of merger in section 22, although provisions have been made that the acquisition by the co-sharer landlord of the right of occupancy of the tenant will not have the effect of merger and that the part proprietor will retain the raiyati holding but the reason for providing for fair and equitable rent in this case is not appreciated and why is this difference made in case of part proprietor and a stranger? So far as the interest of other raiyats are concerned who have held their land including a homestead of 20 years continuously their rights have been admitted in the Bill and this seems to be a move in the right direction.

The abolition of commutation of rent is equitable to both the landlords and the tenants. I deplore the repeal of section 85. I should think there ought to be a limit to sub-infeudation in the Act so that between the landlord and the tillers of the soil the number of intermediaries be not many, otherwise the tillers of the soil will suffer a good deal and the boon the Bill is intended to confer on the cultivating class will be reduced to a nullity.

This appears to me to be the main features of the Bill which require the consideration of the House.

5-15 p.m.

Mr. RANJIT PAL CHAUDHURI: Sir, a lot of charges of omission and commission has been levelled against the Bengal zamindars for the misfortunes and calamities of their tenants. The milk of human kindness has followed much too freely in running down the landlords who have been said to fatten upon their wealth to the ruin and degradation of their tenantry. So before I set out, Sir, to make my observations on the general features of the Bill it behoves me as an humble member of the class that has been traduced to meet some of those accusations. It has been said that there is lack of attention on their part towards the tenants. This charge is entirely baseless and cannot be put forward by anyone who is in the least know of things. The very many beneficient institutions that still flourish on the country side owe their inception and continuance to the zamindars. The village pathshalas, the maktabs, the primary schools, the charitable dispensaries, the hâts, the ghats are the glaring instances in point. Sir, one is also apt to forget that the periodical continuance of great and small festivals with their attendant indigenous entertainments is

principally due to the benefactions from local zamindars. The part played by zamindars in giving the benefit of higher education to their less fortunate tenants is also not insignificant. It has also been said that the zamindars have neglected to re-excavate tanks and initiate measures for irrigation. Of late, I confess, on account of the high cost of indigenous labour, subdivision of lands, and multiplication of co-owners new tanks have not come into being as plentifully as they had done before. But re-excavation of old and silted ones has been readily taken up where the problems of local labour, fund, and co-ownership have been satisfactorily solved. I think, Sir, I shall be amply borne out if I say that in Bengal great difficulty, sometimes of an insurmountable nature, arises in introducing works of utility because of the reluctance of the local people to do manual work at reasonable terms and with sustained effort and regularity and not often for the absolute indifference on the part of co-owner landlords, not belonging to the same locality and sometimes of different nationality, who have come by a share in the estates either by Court sale or by purchase or by gift or otherwise. And then, Sir, the expenses of improvements brought about in their estates have always being borne by the zamindars themselves. Besides, Sir, the zamindars have always contributed freely towards the adoption of measures for rural water-supply. Irrigation is a thing, Sir, which is more easy to talk about than to devise actual schemes for introduction thereof. None but a solvent and peoples' Government can undertake measures for the introduction of effective irrigation in any area. The law of acquisition, the prejudices of the people and the balance of the convenience of contiguous Landlords are some of the factors which come to the forefront and have to be overcome in the inauguration of an irrigation scheme. But I have not known of any case where such a scheme has been overlooked by the zamindars or that they have declined to accord their moral and material support to it. The zamindars have been made responsible for not making good roads and bridges. It does not require long to dispose of such a silly charge. The making of roads and bridges falls within the scope of the Government and for carrying out that purpose the Government levies at regular intervals without exemption or remission a widely levied tax, called the road cess. I might mention here that such a tax in many cases exceeds the actual land revenue. For the neglect of the Government for not constructing what they are bound by law to do, the poor zamindars have come in for a lot of abuse. Even for the scarcity of food that prevails on the country-side, in lean years, the zamindars have been made accountable. It then comes to this that the question of adequate food supply is entirely a matter for zamindars. But do not facts belie that conclusion? The zamindars have got nothing to do with the growing of food crop by the tenants or with the sale or purchase thereof by them. On the other hand it has been

seen that if any public-minded landlord will lecture to the tenants or attempt in any way with them to restrict cultivation of food crops to certain areas or induce them not to part with their stock for sending it abroad, he is sure not only to incur the displeasure of his tenants but also will be looked upon with suspicion by the authorities. So, Sir, if anyone is to be blamed for the periodical scarcity it is the tenants themselves who do not care to accept any sort of friendly advice, but rush to improvidence for the sake of present lure and gain. Actually the guilty party is the State because it encourages unrestricted export of food supply. Much abuse has also been bestowed upon the Permanent Settlement. Some of the hon'ble gentlemen have gone so far as to declare it as a monumental folly. Those who view it in that light actually ignore the hard facts of its history. Our critics evidently forget that the rights of zamindars in their lands have not been a free gift to them from the State, but have been purchased by them for hard cash and a promise for the same year by year, when the State wanted to dispose them off at fixed annual money returns in order to bring about a sense of security as regards revenue with a view to meet the heavy demands from Home and to meet the costs of administration and recurring military expenditure. Relying on the sanctity of such contracts the zamindars have for the last one hundred and thirty years gone on investing mints of money on those estates. And if at this stage it is contemplated to violate the contracts and do away with the Permanent Settlement it will be an evil day for the Government and the country. The agitation that will arise from such a state of things happening will pale into insignificance the agitation of peasants now carried on at Bardoli.

Now to return to a cursory treatment of some of the broadest features of the Bill itself. To my mind so far I have been able to gather from a glance through the Bill the section which has been numbered 26 in the Bill is fraught with good many evils. Fresh attempts have been made to protect the rights and interests of the tenants as if the measures already in existence on the Statute Book are not enough for the purpose. The tenants surely need protection from the hands of unscrupulous landlords, but for that the interests of the landlords should not be made to suffer. By allowing transferability of their holding the occupancy tenant is no doubt given a new freedom in his status but one forgets that with his natural habits of extravagance and want of foresight he will become an easy prey to the mahajans who will henceforth aim at direct grabbing of his holding. Of course one is free to act as he chooses, if he so chooses there is nothing to prevent him turning a pauper. Hitherto he was safe so far his holding—his most precious possession was concerned, however much he might have been harassed in other ways by his creditor. But the freedom of transferability will convert him into

raiyat. One can easily imagine the untold miseries which he will have to put up with in such a circumstance as a bargadar or a day labourer. This will be really conferring a new right on the tenant with vengeance.

Although the Government has the right by the Summary Procedure of the Sunset Law or the zamindar by the Astam Law to realise their respective dues the general body of landlords labour under a disability for not being armed with any Summary Procedure for the realisation of their just dues when they in their turn are subjected to such a procedure—when realisation from them is concerned. Section 158A affords some relief in this shape but it has been limited only to a handful of landlords by the Government.

It would be unjust to seek to reduce the 25 per cent. landlords' fee as to such a due they have become entitled by an usage coming down from ancient times. To safeguard this measure the right of pre-emption is absolutely necessary.

I trust the House will take a fair and economic view for the welfare and best interests of the country and all concerned.

Srijut TARAKNATH MUKHERJEA: Sir, let me frankly admit that not being myself a lawyer a careful perusal of this Bill and a close observation of its various clauses in detail has not been a very easy task for me.

I have listened to the speeches of the various speakers with the greatest attention and care.

Some speakers have argued that it is a Tenants' Bill while others have described it as a Zamindars' Bill. Unfortunately for me I have not been able to associate myself with any of these views.

To my mind, Sir, it is a Government's Bill. The Bill has been so drafted that it will afford the greatest help, maximum power and highest benefit to Government.

The Bill will give more power to Government and I am sure will give rise to a series of continued litigations which will go to add more income to Government. The Bill will go a step further to increase the bitterness of feelings between the landlords and tenants and will thus stand in the way of our united national advance. I admit I have the honour to belong to the much talked of and abused landowning community and I am also proud to represent the raiyats of my district here.

As such, Sir, I consider it my duty to follow a straight course which will prove beneficial to the whole country at large. I fully realise the sufferings and disadvantages of the raiyats and I yield to none in my support for them. I am aware of the difficulties of the landholders also. But I am sure if all the members take the Bill in a

proper and true spirit and sincerely try to bring about a smooth solution of the affairs, then I am sure it will prove beneficial to all. The Bill will have to be so amended as to make it acceptable to all.

I hope and trust that the landlords will rise equal to the occasion and will appreciate and realise their responsibility and duty to the country and will make it their noblest ambition to serve the tenantry and the country to the best of their power.

Rai HARENDRANATH CHAUDHURI: Some of the speeches delivered last night could very well lead one to think that the Bill before the Council was not a measure to amend the Bengal Tenancy Act of 1885, but was a Bill to amend Regulation I of 1793. I could well appreciate the anxiety of these members who attacked the Permanent Settlement for so long as that Regulation was on the Statute Book it was very difficult to shake the landlords' position however much one might desire to do so. A lot of irrelevant arguments and unnecessary heat were imported into the debate just to create prejudice and prevent a dispassionate consideration of the Bill before the House. Thus one speaker went so far as to characterise the Permanent Settlement as "the monumental folly of Lord Cornwallis." It is not probably known to the speaker that the first suggestion about the Permanent Settlement emanated from Phillip Francis ten years before Lord Cornwallis set his foot on the Indian soil and that even in the matter of the Permanent Settlement of 1793 Lord Cornwallis simply carried out the instructions of the Court of Directors as embodied in their letter of the 12th April, 1786:—

"In this memorable letter," says the author of the Economic History of India under early British Rule, "the Directors expressed their disapprobation of the frequent changes of the revenue system of Bengal. They condemned the endeavours which had been made to continually increase the land tax and to oust zamindars in favour of farmers, sazawals, and amins, who had no permanent interest in the well-being of the cultivators. They expressed their opinion that the most likely means of avoiding defalcations would be to introduce a Permanent Settlement of the land revenue, estimated on reasonable principles, for the due of payment of which the hereditary tenure of the possessor would be the best and the only necessary security. They directed that the Settlement should be made in all practical instances with the zamindars, and they declared that 'a moderate jamma or assessment regularly and punctually collected unites the consideration of our interests with the happiness of the natives and security of the landlords more rationally than any imperfect collection of any exaggerated jamma to be enforced with severity and vexation'."

As regards settlement with the zamindars, Sir, Mr. Shore, who had larger experience of the country, [illegible]

opinion than Cornwallis. In his memorable minute of the 18th June, 1789, he observed:—

5-30 p.m.

"I consider the zamindars as the proprietors of the soil, to the property of which they succeed by right of inheritance, according to the laws of their own religion, and that the sovereign authority cannot justly exercise the powers of depriving them of the succession nor altering it when there are any legal heirs. The privilege of disposing of the land by sale or mortgage is derived from this fundamental right and was exercised by the zamindars before we acquired the Dewani."

As regards the "folly" of the settlement, the same author, i.e., the late Mr. R. C. Dutt, observed:—

"The whole amount of land revenue obtained from the provinces of Bengal, Behar and Orissa for the year 1790-91 was Rs. 2,68,00,989 (£ 268,000). The amount was nearly double the assessment of Jaffer Khan and of Suja Khan in the early part of the century. It was three times the collections of Maharaja Nand Kumar in the last year of the rule of Mir Zafar (1764-65); and it was nearly double the collections made by Muhamad Reza Khan, under British supervision in the first year of the Company's Dewani (1765-66). The assessment was, therefore, as severe as it could possibly be made; and it was possible to raise it so high because it was declared to be final and permanent."

And regarding its "disastrous consequences" the same author, who once occupied the presidential chair of the Indian National Congress, observes:—

"(1) It is the one act of the British nation within the century and a half of their rule in India which has most effectually safeguarded the economic welfare of the people.

(2) Agriculture has largely extended in Bengal within the last hundred years.

(3) Since 1793 there has never been a famine in permanently settled Bengal which has caused any serious loss of life. At any rate there has been no repetition of the great famine of 1770.

(4) In Bengal the Settlement has benefited the whole agricultural community; the entire peasant population shares the benefit and is more prosperous and resourceful on account of this measure. It has afforded a protection to agriculture which is the only means of the nation's subsistence.

(5) It has precluded the State from increasing the annual economic drain of wealth out of the country."

After all these one can only sympathise with the abysmal ignorance and collosal prejudice from which proceeds the malicious attack on what has been stated to be the "monumental folly" of Lord Cornwallis, viz., the Permanent Settlement.

Then, Sir, another member of the House has made the very friendly suggestion that between the State and the raiyat there should not be any middleman. Pious wish indeed! But the speaker cannot claim the merit of originality. Early, in the 19th Century, a report was indited by a member of a Board of Revenue in which "after arguing how one fat Raja supports fifty-two raiyats" observed—

"It (i.e., the raiyatwari settlement of land) will be found still more adapted to the situation of the country, governed by a few strangers where pride, high ideas and ambitious thoughts must be stifled. It is very proper that in England a good share of the produce of the earth should be appropriated to support certain families in affluence to produce senators, sages and heroes for the service and defence of the State or, in other words, that great part of the rent should go to an opulent nobility and gentry who are to serve their country in Parliament in the Army and Navy in the departments of science and liberal professions. The leisure, independence and high ideas which the enjoyment of this rent affords has enabled them to raise Britain to the pinnacle of glory. Long may they enjoy it—but in India that haughty spirit of independence and deep thought which the possession of great wealth sometimes gives ought to be suppressed. They are directly adverse to our power and interest. The nature of things, the past experience of all Governments, renders it unnecessary to enlarge on this subject. We do not want generals, statesmen and legislators; we want industrious husbandmen.

* * * * * *

Considered politically therefore the general distribution of land among a number of small proprietors who cannot easily combine against Government is an object of importance. The power and patronage and receipt of the sircar rent will always render zamindars formidable but more or less so according to the military strength and reputation of the Government."

I think it is impossible for any one of this Council to improve upon it.

I do not forget, Sir, my friend Khan Bahadur Azizul Haque. My friend has observed that he does not desire that the landlords should go altogether. Thanks to his generous scheme of new dispensation, there still appears to be some necessity of having unpaid collectors of revenues.

Now, as regards the provisions of the Bill before the House there are three sets of important proposals embodied in the Bill. The first proposes to enlarge the rights of the raiyats. The second proposes to advance the rights and the interests of the under-raiyats and the third deals with the facilities for payment of rent and provisions regarding the realisation of rent.

Now, as regards the first, the Bill—

(*a*) proposes to declare the rights of the occupancy raiyats to the trees of their holdings. It has even gone to the extent of declaring not only past and existing but even future contracts, affecting that right, to be void;

(*b*) gives the tenants, the raiyats and under-raiyats as well, the right to make improvement, build pucca structures, sink tanks, etc. No landlord can reasonably object to such provisions so far as they encourage bona fide improvements; and

(*c*) clause 23 of the Bill proposes to make occupancy rights transferable, subject to the provisions of the Bill.

A good deal of controversy, Sir, has been raised over the question and it is undoubtedly one of the most contentious propositions of the Bill. While the landlords maintain that the proposal goes against the Permanent Settlement inasmuch as by that Settlement Government only reserved to itself the right to protect and not enlarge the rights of the raiyats, distinguished lawyers and authorities on tenancy law are of opinion that it will not be even a measure of protection as the raiyats will soon dispossess themselves and non-agriculturists will come in their place with the result that it will create the problem of landless labour in this province. On the other hand, the tenants' point of view is that occupancy raiyati holding should be made transferable at the sweet will of such raiyats. Personally, Sir, I think with my esteemed friend, Babu Akhil Chandra Datta, that, whatever the theoretical objection to the proposal of transferability may be, the landlords should be well advised not to oppose such a proposal when there is so much insistent demand from the raiyats and further when in practice the landlords allow such transfers on receiving a salami from the transferee. Much has been said regarding the proposals for salami and pre-emption. I propose to deal with these questions, Sir, when the provisions actually come to be discussed. But, Sir, I must say one thing in this connection. I can understand a direct frontal attack on the provisions for salami and pre-emption, but I fail to understand the genius that makes elaborate provisions and then leaves the door wide open for defeating those very provisions. It is evident that by making an exception in favour of lease by the proposed new section 26 I and repealing section 85 at the same time, all the elaborate provisions for landlords' transfer fee and pre-emption have been rendered illusory, inasmuch as the door has been left wide open as I have said for defeating the landlords' rights to fee and pre-emption by resorting to leases. Henceforth there will be no kobalas but leases. As the law stands at present, after the recent judicial decisions, the transferer taking shelter behind them even now in many cases executes leases instead of sale-deeds to avoid and defeat suit for

khas possession. Repeal of section 85 and the exception made in section 26 I will therefore encourage further fraud on law. The proposed new section 48 H provides for landlords' transfer fee in case of leases only if the leases mentioned salami, but if salami be not mentioned, or a very small amount be mentioned, then the landlord will not get his transfer fee. And if the raiyat transfers his holding especially by way of lease after describing it as a tenure or holding at fixed rate, then the landlord will be quite helpless even if there be the proposed new section 26 J. Then, Sir, no provision has been made as to the relief of a co-sharer landlord if the raiyat in transferring his holding does not make any mention of his name and no notice of the landlord's transfer fee is served on him. Then again the proposed new section 26 F, providing that a landlord's repurchase will be subject to section 22 makes an invidious distinction against the landlord and promoting the under-raiyat will deprive the sole landlord of the benefit of pre-emption.

(At this stage the member reached the time-limit.)

Mr. PRESIDENT: How many minutes do you want?

5-45 p.m.

Rai HARENDRANATH CHAUDHURI: Sir, only 4 minutes more. As regards the second set of proposals to advance the interests of the under-raiyats while it is true that all bona fide under-raiyats require protection, the proposed new section 48 G appears to be a provision to validate all the vagaries of the Settlement Department in the matter of recording the rights of the under-raiyats since the Jessore operations. Protest after protest, Sir, was made in the interests of the raiyats against the exploitation of the illustration to section 183 and indiscriminate record of প্রথা অনুসারে দখলী সত্ব বিশিষ্ট by the underlings of the Settlement Department in obedience to the instructions received from higher authorities; but while no heed was paid to them, the Government, after preparing the materials as it were, is now coming forward to enact the provision to the detriment of a large body of unsuspecting raiyats. I know, Sir, that even in 1885 it was anticipated by Sir Stuart Bayley that the next amendment of the Bengal Tenancy Act will require the insertion of provision for the protection of under-raiyats. But, Sir, the question of their protection and of conferring occupancy right on them are two distinct and separate questions. No jurist ever thought it advisable that the occupancy right could properly be conferred on more than one person or interest in the chain of sub-infeudation and it is after all a question of status and not merely of rights dependent on contracts. Then again in this chapter, Sir, which

has been so elaborately revised, no provision has been made against the creation of uneconomic holdings by sub-leases on rents smaller than that payable by the sub-lessor.

As regards the third set of proposals the raiyats are to be given further facilities for payment of rent by money-order and for deposit of rent in Court—well and good. Let us hope all apprehension of the landlord's agents will now disappear and there will be less occasion for rent suits. But at the same time should not provision have been made, in all fairness and justice, to help the landlords to secure a punctual and regular realisation of rent? It is proposed, Sir, to repeal Chapter XII of the present Act—it is proposed to do away with the remedy that was open to the landlords from very ancient times and a remedy which the Act of 1859 and that of 1885 consolidated into legal provisions. The Government even where they make raiyatwari settlement of lands provide for forfeiture or ejectment clauses in their leases in cases of non-payment of rents (vide pages 12 and 13 and pages 46 and 47 of the Bengal Waste Lands Manual) and the ejectment on the ground of non-payment of rent was provided for in the Acts of 1859 and 1869, but now that Chapter XII is going to disappear from the statute book, the landlords are left without any summary procedure to secure punctual and regular realisation of rent, though they are bound to pay their dues by the sunset of particular days. They will have to depend on protracted litigation—litigation which spells ruin to both landlords and tenants. Section 158 A as it stands will not help the landlords generally. Only a few very big landlords and those too in the good books of the Government may have the advantage. But it must not be forgotten for a moment that the word "landlord" is a misnomer so far as the vast majority of rent-receivers are concerned.

It has more than once been repeated, Sir, that the raiyats are intelligent enough to understand their own business and interest, if so, why so much new bar against contracts have been introduced in the amended section 178? Is it because of all parts of the world in Bengal only, contrary to Sir Henry Main's famous dictum society is progressing from contract to status?

In concusion let us hope that after the display of all oratorical powers in the general discussion on the Bill, it will yet be possible to bring a calm and dispassionate judgment to bear on the Bill, when it will be taken into consideration clause by clause, and it will be possible for all of us however conflicting may be the differing interests, to bring about an equitable adjustment of the just rights of the landlords and tenants—a reconciliation and adjustment in which probably the people of the province are more interested than in the charges and counter-charges bandied by the different sections of the representatives of the people.

5-50 p.m.

Babu JATINDRA NATH CHAKRABURTTY: Sir, the Bengal Tenancy (Amendment) Bill, 1928, elaborate provisions have been made for amending the law relating to the zamindars, raiyats and under-raiyats but there is not a single provision in the Bill for improving the law regarding the non-permanent tenure-holders, although it is an acknowledged fact that the existing law regarding it is in a nebulous condition.

Even the privilege of transfer that is going to be conferred on raiyats and under-raiyats have been denied to these tenure-holders.

The interests of a raiyat of a certain standing have been, and the interests of an under-raiyat under certan circumstances are going to be, made heritable and practically non-evictable, while the interests of their lessors, that is the interests of non-permanent tenure-holders, have been kept subservient to the caprice of their landlords.

By an irony of fate the interest of a lessee is going to be higher and greater than that of his lessor.

It is, therefore, proper and desirable that the non-permanent tenure holders should enjoy at least the same advantages as those that have been conferred even upon the under-raiyats. Tenure-holders as a class exist throughout the province and any legislation that may be made for their benefit will go to benefit not only the tenure-holders of any particular district, but the tenure-holders of other districts as well.

In conclusion, the hon'ble members of this House are earnestly requested to approach the consideration of the tenancy law with an open mind and a charitable spirit. They will kindly bear in mind that a prosperous and a contended middle class is source of strength to the country. To give to the intelligent, the thrifty and enterprising the means of improving their condition by opening to them the opportunity of exercising these qualities can be best accomplished by limiting the demands of their landlords.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I thank the hon'ble members for the elaborate discussion on the general principles of the Bill that we had. I am sure, Sir, those discussions will be helpful to this House when the House will consider this question. Speaking for myself, I may assure the hon'ble members that those discussions will help me very much, and I thank especially those hon'ble members who have taken an extreme view on either side. Because, an extreme view has also its use. But, Sir, as this will be considered clause by clause, I do not think I should trespass upon the time of this House by discussing the many interesting points that have been raised. There will be time enough to deal with those points when the different clauses are taken up. There is, however, one general observation which I may

be permitted to make, and which I hope the House will not misunderstand. That general observation is that when we find intense dissatisfaction on both sides with the provisions of the Bill, perhaps we may venture to think that after all the Bill is not so bad as each side is trying to make it out. And in that connexion may I try to clear up one point? It is this: that neither I nor my esteemed predecessor—the permanent Revenue Member—who is no longer with us, have had really that part in the framing of this Bill which Government members usually have in the framing of most Government Bills. The House is perfectly familiar with the history of this Bill, which I related the other day. If there is any Government measure in which the elected members of this House were consulted time after time—representatives consisting of landlords and tenants—it is this Bill. Therefore, in this Bill, at any rate, the "Satanic" Government, as it is too often described, have not had that part which they often have in the production of Government Bills. The past history of this measure shows that there have been attempts at compromise between landlords and tenants ever since 1921. Government, anxious as they have all along been during the last 8 or 9 years—if not more—to settle this vexed question, no doubt did their best to give facilities to the elected members of this House by placing the advice of export revenue officers, lawyers, and others, at their disposal. They tried their best to help them in coming to a settlement, but beyond that they did not do much. No doubt, after the various reports were published, they again helped the representatives of the people by drafting the provisions of the Bill. There may be provisions here and there beyond what was recommended, but even for those provisions we have to come before you for your ultimate decision.

Babu AKHIL CHANDRA DATTA: Why was the previous Bill dropped by Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: I dealt with that point before, but since Babu Akhil Chandra Datta has interrupted me, on that question, I may again tell the House that it was dropped because there were certain points about which Government were not satisfied. With regard to those points, Government instead of coming to an independent decision sought the advise of an eminent lawyer—an ex-Judge of the High Court—who is neither a landlord nor a tenant, viz., Sir Nalini Ranjan Chaterji, and as a result of his advice, Government accepted most of the recommendations made by the Select Committee. That, again, shows not a superabundance of desire on the part of Government to impose their will on this Council, but shows that Government tried to be guided by those who have a right to speak. Now, Sir, that being the position I hope when hon'ble members will proceed to discuss the various clauses of the Bill, they will do so in

the very spirit in which some hon'ble members discussed this question in Sir John Kerr's Committee—in the very same spirit in which some hon'ble members discussed it in the Select Committee and later on—and if they approach it in that siprit, I am sure we shall have a Bengal Tenancy Act which, though it may not satisfy either the landlord or the tenant, will be a just and a fair Act and will be a land-mark in the history of land-tenure of this province.

Sir, I would only conclude by one observation, and that is this: We have heard a good deal about the occupancy raiyat. We have heard a good deal about landlords and there were demands here and there about the under-raiyat. I hope and trust that the friends of the actual agriculturist, when the time comes, will not forget the under-raiyat. After all, the time is fast approaching when the under-raiyat will play a far more important part in the agriculture of the province than he has done in the past. And even to-day his position as an agriculturist in the province is important enough to be fairly considered by all classes—landlords and tenants.

The motion that the Bengal Tenancy (Amendment) Bill, 1928, be taken into consideration was then put and agreed to.

Mr. PRESIDENT: I should inform members that amendments to the first 23 clauses of the Tenancy Bill are now available in the office and may be had on application.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. Why on application? Why should they not be circulated.

Mr. PRESIDENT: The amendments will be circulated to-morrow. But, in case you want them to-night you can call at the office and obtain them.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 9th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 9th August, 1928, at 3 p.m.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 113 nominated and elected members.

Mr. PRESIDENT: Some uncertainty seems to prevail as to the programme during the rest of this week.

The arrangement was that if the business connected with the Bengal Tenancy (Amendment) Bill was finished on 7th, the 8th would be given to the outstanding official Bill work; and if that was concluded in a day, the 9th and 10th would be given up to non-official resolutions instead of Saturdays, 11th and 18th August. These hopes have been disappointed. To-day we take up official Bills. If these are finished to-day, non-official resolutions will be taken up to-morrow and on Saturday morning. If the official Bills are not finished to-day they will be proceeded with to-morrow. The balance of the meeting to-morrow, if any, will be given to non-official resolutions. In any event Saturday morning will, as previously arranged, be given to non-official resolutions.

Government Bills.

The Dacca University (Amendment) Bill, 1928.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): I beg to introduce a Bill further to amend the Dacca University Act, 1920.

[The Secretary then read the short title of the Bill.]

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I beg to move that the said Bill be taken into consideration.

In doing so I want to say just a few words. The Bill has been framed with the object of removing certain defects in the working of the Dacca University Act. The most important amendment which is

contained in clause 5 makes it clear that the final word about fees to be paid to examiners and the emoluments of teachers shall rest not with the Academic Council but with the Executive Council. The Executive Council is responsible for the finance of the University; and it is eminently reasonable that they should have this power, and this was certainly the opinion of the Calcutta University Commission. The amendments in clauses 3, 4 and 6 will enable the University to recognise teaching given by teachers in the Dacca Training College, the Engineering School and the other similar schools. Clause 7 is framed to associate the name of the late Nawab of Dacca with the University. I first of all thought that as we are introducing a non-contentious Bill the House will not object to the passing of it at all. I now hear that there are persons who are thinking of opposing the consideration of the Bill. I will now explain the position in order to show that the Bill that has been framed is a real necessity.

At present the Academic Council has the power of recommending to the Court in all matters of fees and salaries of the teaching staff of the University. It means the power of initiation in matters of fees and emoluments of teachers as at present it is left to the Academic Council. The Academic Council consists of the Professors, Readers and Lecturers of the University. It has now the power of practically fixing the salaries of its own members. This is against the principle of sound finance. The finance of the University is under the control of the Executive Council. If the Executive Council at any time wants to reduce the salary of any members of the teaching staff it has no power to do so unless it is recommended by the Academic Council. The principle that he who pays the piper should have the right to call for the tune which has been enunciated in this House so often has been negatived in this instance. The Executive Council who are responsible for the payment of the salary of the teaching staff will be denied the right of fixing the salary according to the financial position of the Council. I want to give the House one concrete case, among many others, which will illustrate the difficulty the present Executive Council is feeling, in controlling the quality of the teaching staff of the University. You all know Pandit Hara Prosad Sastri—he was appointed as Professor of Sanskrit in the Dacca University for a term of five years on a monthly salary of Rs. 700 when the period of five years expired the Executive Council and the Government wanted to reappoint him on Rs. 700, but the Academic Council turned down the proposal and recommended that the salary of the Professor should be Rs. 600 only. The Executive Council had no power to do anything except on the recommendation of the Academic Council. They could not offer the Pandit more than Rs. 600 for another term: but naturally the Pandit resented this offer, and left the service. He has been succeeded by a junior man of very little reputation in the country. This one case will bring home to the House how the Academic Council in order to

keep the places among its members turns out Professors of reputation by questionable means. The Court, the Executive Council and the Government find that if this power of recommendation enjoyed by the Academic Council remained purely academic and be not made purely advisory the quality of the teaching staff will gradually deteriorate and the Dacca University will cease to occupy the position it has so long occupied in the educational world. I would, therefore, appeal to the House to consider this matter very seriously and not to fetter the powers of the Executive Council which consists of members of the Academic Council as well as of the Court who are responsible for the dignity and welfare of the University.

In this connection I think it is my duty to point out to the House the power of the other universities, which have recently been established in many places in India, in similar matters. In the Lucknow University they have got this principle, and section 20 of the Lucknow University Act contains the provision that no action shall be taken by the Executive Council in respect of appointment of and fees to be paid to the examiners and the number and qualification and the emoluments of teachers otherwise than after consideration of the recommendations of the Academic Council. This means that at Lucknow the Executive Council is not fettered by the recommendations of the Academic Council. The Academic Council makes recommendations while the final decision rests with the Executive Council. In the case of the Dacca University the thing is quite otherwise. In the Dacca University the Executive Council can proceed only on the recommendations of the Academic Council. It is just like this: in the Dacca University in one case that I have numerated here I have shown how the Executive Council could not appoint one of the best men of the University simply because the Academic Council refused to give the salary or refusd to recommend the salary which the professor used to get previously. We want to change the law to this only that as in the case of the Lucknow University and the other universities except the Delhi University the Academic Council should have the right to recommend but the real power of initiation and of appointment should be in the hands of the Executive Council. This is the difference. The wording, as it is, is rather defective so far as the present Act is concerned. We want to change the wording as has been done in the Lucknow University.

I can tell my friends who want to speak against this motion, especially Dr. Bidhan Chandra Roy, that I received a communication from the Academic Council to the effect that the power of the Academic Council should not be taken away and when sending that recommendation they referred me to the cases of the Lucknow and other universities. I now find that what the Lucknow University has done and which they ought to have done is only what we are trying to do. It is nothing very drastic that we are now contemplating to-day. We are simply copying the Lucknow

University and the other universties that have since been established except the Delhi University which is a verbatim copy of the Dacca University Act. The Lucknow Act has improved the Dacca Act by providing that the Academic Council may have the right of recommendation but the power of initiative and the disopsal of appointments must rest with the Executive Council. I hope my friends will realise the seriousness of the situation and just for the working of the University they will withdraw their amendment. With these words I beg to move my motion.

Babu NALINIRANJAN SARKER: I beg to move, by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that the Dacca University (Amendment) Bill, 1928, be circulated for the purpose of eliciting public opinion thereon not later than the 30th November, 1928.

The Bill before the House is a short one and apparently also a simple one. It is so short that the change contemplated does not affect even a whole section nor even a clause, but only a proviso to a clause. True, it is so short that I do not think the Hon'ble the Minister will claim that sweetness in this Bill which is supposed to go with shortness. We, on this side, can unhesitatingly declare that the Bill is a bitter one—Nay a dose of concentrated poison.

Under the present constitution of the Dacca University the actual management of the University is vested in the Executive Council and so far as the academic questions are concerned they are being dealt with by the Academic Council, but certain provisions have been devised by which a mutual check can be effected between these two bodies.

With these preliminary remarks I want to read the section that is now under amendment—

"The Executive Council shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters concerning the University in accordance with this Act; the Statutes and Ordinances:

Provided that no action shall be taken by the Executive Council in respect of the fees paid to examiners and the emoluments of teachers otherwise than on the recommendation of the Academic Council."

The amendment is this: That the words "otherwise than on the recommendation of the Academic Council" should be substituted by the words "without consulting the Academic Council."

In other words the power of initiative which has been vested in the Academic Council by the constitution of the Dacca University Act is sought to be taken away and given to the Executive Council. Various reasons are assigned for this change—reasons not based on actual facts

but merely on the ipse dixit of the Hon'ble Minister as I shall presently show. His first point, as stated in the Statement of Objects and Reasons in the Bill, is that he wants to make it clear that the final word about the fees to be paid to the examiners and the emoluments of teachers should rest not with the Academic Council but with the Executive Council. Under the present Act administering the Dacca University the final word does rest with the Executive Council. The Executive Council is the determining authority in all matters and especially in regard to its finances; and without its sanction not a farthing can be spent. No teacher can be appointed without its sanction and even the scale of salaries to be given to teachers is sanctioned by the Executive Council. So the final word rests with the Executive Council even under the present Act, but what the Hon'ble Minister wants is not to give the final word to the Executive Council but also the first word.

The next point claimed by him is that the change is justified in the opinion of the Calcutta University Commission. I may be pardoned for saying that the relevant portion of the Sadler Commission Report was not placed before him or if it was placed before him at all he has not understood the import of those sections of the Sadler Commission Report. Section 46, Chapter XXXVII, of the Sadler Commission Report says: "While the determining power in financial matters in general ought to rest with the Executive Council, we feel that there are certain financial questions in regard to which the academic body has a right to be heard." These are, especially, the fees paid by students or to examiners, the rate of remuneration of teachers, and the expenditure of available University funds, on a large scale, for one academic purpose rather than another. We therefore propose that questions of this order should not be determined by the Executive Council unless and until they have received a report from the Academic Council." I would like you to mark the words "unless and until they have received a report from the Academic Council." This shows that it was the intention of the Sadler Commission to leave the power of initiative to the Academic Council.

I shall also read some other sections which will prove that the Academic Council has never been suggested by the Sadler Commission to be a subservient body to the Executive Council. In paragraph 48 of page 394 of the Report the Commission suggests that the Academic Council is to be a parallel or co-ordinate body with the Executive Council. In section 57, it says: "We regard the Academic Council, in short, as the main pivot of the new system of teaching which we advocate."

All these will show that the Sadler Commission did not intend that the Academic Council should be a subservient body to the Executive Council, which the Hon'ble Minister now seeks to make it. If it is wanted to make necessary changes in the existing law a stronger case must be made out first. Had the Hon'ble Minister been able to prove

that the Academic Council had ever abused their power, had he been able to show that during the last six years the Academic Council has done anything by which the efficiency of the Dacca University has been impaired then there would have been some justification for a change. On the other hand, is it not his experience that on many occasions the Academic Council has given proof of its sense of responsibility by putting the interest of the University as a whole above the interest of its own members? As a matter of fact, some of the members of the staff have accepted reduced scale of salaries on the recommendations of the Academic Council.

Then it is said that it is eminently reasonable that the responsibility of finance should rest with the Executive Council. If the responsibility of finances has been entrusted to the Executive Council, the responsibility of control as also for the maintenance of standards of education, instruction and examination has been given to the Academic Council and to further the object of this responsibility the powers of the Executive Council have been curtailed and made limited to all such matters as the drafting of Ordinances, etc., as provided under section 29. Under section 29 the power of making Ordinances rests with the Executive Council but no Ordinances, it says, shall be made on questions affecting the admission of students, or affecting the conduct or standard of examinations unless a draft of such Ordinance has been proposed by the Academic Council. So in matters of an academic charcter the power of initiative has been given throughout the Act to the Academic Council.

Though it is my profound regret that I cannot claim any academic distinction or equipment I am happy to feel, I am not such a Philistine as to be blind to the great respect which is due to the academicians. They have been and are the teachers and guides throughout the ages; they are deservedly on an exalted pedestal and we owe it to ourselves, if we are capable of any gratitude, or own any responsibility to the young and unborn generation, to do nothing which will dethrone the builders of the nation. Moreover, Sir, there is no just reason to apprehend that the teachers and Professors representing as they do the most cultured section of our society will abuse the powers conferred on them to further their own ends. Apprehension is rather on the other side. The power of undue interference or other measures of unbridled authority is more likely to impair the efficiency of the cause of education in the case of a body nominated by the Commissioner of the Division, Rai Bahadurs and Khan Bahadurs and teachers appointed by the Chancellor, the Executive head of the province.

These reasons, it may be said, make it imperative on us to throw out the Bill; but before that drastic step is adopted, I prefer my proposal for the circulation of the Bill in order to give the other side every opportunity of making out as strong a case as they can for the acceptance

of the proposed amendment. I am agreeable to shorten the period for eliciting such opinion down to the 15th November for the sake of expedition of its final consideration.

Maulvi ABUL KASEM: As usual I do not find myself in agreement with my friends on my left. This piece of legislation is very simple and not at all of a complicated nature, and I do not find any reason or justification for the circulation of the Bill for eliciting public opinion. My friend in the concluding portion of his speech has said that he wants circulation because it will give the other side an opportunity of saying what they have got to say. I do not know what he means by it but I think the other side could not have a more able, competent and eloquent person than Babu Naliniranjan Sarker to speak on their behalf who has said all that could be possibly said against the Bill. The real point in this Bill (I cannot call it a controversial point) is whether the remuneration of the examiners and teachers should rest solely with the Academic Council or the Executive Council. As has been said in the Statement of Objects and Reasons the Executive Council is responsible for the finance of the University and as such they ought to have the final word about the remuneration of the men employed by the University.

3-30 p.m.

The function of the Academic Council is to fix the curriculum, hold examinations and grant degrees. The business side of the University's work should be left not to the Academic Council but to the Executive Council, and for this reason I think no useful purpose will be served by delaying the consideration of the Bill—as its consideration would be delayed if the Bill were circulated for public opinion. Before the Bill was drafted the Court and University met and suggested a series of amendments to the Dacca University Act. I am sorry, Sir, that none of the suggestions has been given effect to in the Bill before us, but suggestions made therein were considered by the Court and the Council of the University and therefore, I think, Sir, that this House can safely pass the Bill into an Act.

From the records of this House I find, Sir, that since the creation of the Dacca University it has not received a sympathetic treatment here. But I hope, Sir, that on the present occasion, in spite of all the arguments put forward by my friend Babu Naliniranjan Sarker, the House will agree to its consideration. As regards the various provisions of the Bill I think that Babu Naliniranjan Sarker and his friends as well as those who support the Bill have carefully considered it and can say everything that is necessary and possible to say for or against the provisions in this House, and that at the present moment without consulting other people, because this Bill was published some time

back and the public of Bengal have already been informed of the action that Government propose to take. If they had any serious objection to the provisions of this Amending Bill I think that many of the public associations or the University itself or the Academic Council would have sent a note of protest to the House for consideration. I cannot say that it is an ideal legislation or that it is devoid of any shortcomings, or that there is no force in what Babu Naliniranjan Sarker says. Considering the points that are in favour of the Bill I do not think, Sir, there is any reason for circulating the Bill and thereby delaying its consideration. Let us here consider the Bill clause by clause and, if necessary, reject or pass its provisions. It is a simple and practical suggestion and I think this will be accepted by my friends on the left and by others.

Dr. PRAMATHANATH BANERJEA: Sir, I rise to support the amendment moved by Babu Naliniranjan Sarker. My friend Maulvi Abul Kasem says that the Bill is a simple one; so indeed it looks. But what are the implications of this simple measure? In order to understand the implications of the simple provisions of this amending Bill we should consider the constitution of the Dacca University. Sir, the Dacca University has a very complex constitution. The most important authorities of the University are the Court, the Executive Council, and the Academic Council. The Court is an ornamental body, which meets only once a year to pass the budget, and, incidentally the members of the Court have the pleasure of drawing fat allowances for attending its meeting. Then comes the Executive Council, which is responsible for the administration of the University. It has also a very large say in the matter of its finances. The Academic Council decides all academic questions. It should be remembered that administrative and financial aspects of a question cannot be wholly separated from its academic aspect. Therefore, in the Act it has been provided that there should be a balance of powers between the different authorities of the University. Now what this Bill seeks to do is to disturb this balance of powers. Is that desirable? That is what we should consider.

Sir, two grounds have been put forward on which this Bill has been placed before this House. In the first place, it is said that six years' experience tells us that this amendment is necessary. In the second place the authority of the Sadler Commission is quoted in favour of the Bill. Now, Sir, six years' experience tells us that it is necessary: Whose experience, pray? Have all the authorities been consulted? Have you considered what the Academic Council has got to say in the matter? Or is it only the Executive Council, which is nothing but an oligarchic body, which has pressed forward this measure? I leave out of count the Court, because the Court, as I have already said, is merely an ornamental body. If it is supported only by the Executive Council, we

should wait and see what the Academic Council has to say on the matter and we should also ascertain what the general public has to say on the provisions of the Bill. The second ground taken up by the framers of the Bill is that the Sadler Commission recommended these provisions. But when the Dacca University Act was framed in 1920, surely the recommendations of the Sadler Commission were before the framers, for the Sadler Commission had reported in 1918. Therefore, it seems to us—I am not sure what the Sadler Commission actually recommended—that the framers of the present Bill desire to put a certain interpretation on it, but others prefer to put a different interpretation. In any case, Sir, it is clear that the framers of the Act of 1920 had before them the recommendations of the Sadler Commision, and that they took full note of those recommendations. Now, Sir, if a certain provision was inserted in full view of those recommendations where is the necessity for departing from that position at the present moment?

In the Statement of Objects and Reasons, it is pointed out that the final word in the matter of finance should rest with the Executive Council. So it does at the present moment. Well, Sir, this statement, I am sorry to say, is wholly incorrect, and I do not know who is responsible for this misstatement. I hope it is the printer's devil, and not anybody else. The Executive Council at the present moment has the final power. Do you want to deprive the Academic Council of initiative? Would that be right? The proper system is one in which there are checks and balances. You give the initiative to the Academic Council and the final word to the Executive Council—that is the present system. Unless it is proved that this system has failed, and unless it is clearly shown that all the other Universities have adopted a system like the one that is proposed to be introduced under the provisions of this amending Bill, this Council ought to refuse to accept the motion of the Hon'ble Minister. My information is that many of the Universities of India have a provision similar to that which is found in the existing Act. The Delhi University, for instance, has a provision to this effect that "no action can be taken by the Executive Council in regard to appointment, allowances, number, qualification, or emoluments of teachers otherwise than on the recommendation of the Academic Council." Delhi University is one of the latest universities to be started in India, and as my friend Dr. Bidhan Chandra Roy reminds me, Maulvi Abul Kasem was one of the supporters of the Delhi University Bill. There are similar provisions also in the Acts of other universities. There is, therefore, a very strong case in favour of circulation. If, after circulation, however, it is found that the general public demand that the proposed amendment should be made, the Council will surely consider the matter. For the present, I do not think we should take a leap in the dark and accept the proposal of the Hon'ble Minister.

There is also another point. Why should there be this desire to rush the Bill through the Council? Is there any urgency? What will be the immediate disastrous effect if the Bill be circulated for eliciting public opinion by the 30th November? One month's time will not be a great handicap in the way of the administration of Dacca University; it will not spell any disaster to the University. I think, therefore, the Council will be well advised in waiting till a clear expression of opinion has been obtained on the Bill.

Mr. A. F. RAHMAN: I rise to oppose the amendment moved by Babu Naliniranjan Sarker, and I do so with a clean conscience because I feel that the provisions of the amending Bill are so essential in themselves that they require little or no justification from me. Mr. Naliniranjan Sarker and Dr. Pramathanath Banerjea have both quoted the Sadler Commission's Report and they have been lured into the pathetic fallacies of a sympathetic temperament. The former in reading the reference from the report has said that the Commission themselves wished that the teachers should have a right to determine their own salary, whereas the actual words in the report are that teachers have a *right to be heard;* and the draft Bill now before us is a recognition of this principle and says that the Academic Council should report to the Executive Council what emoluments teachers should have. That is the only difference in the actual phraseology as it stands in the Dacca University Act, namely, that nothing can be done except on a recommendation of the Academic Council. Dr. Banerjea has been rather vague in his references to the other Universities of India. The Universities of Lucknow, Allahabad, Agra, Nagpur and Madras recommend that no action should be taken as regards the emoluments of teachers except after consideration of the recommendation of the Academic Council. It is true that this provision in the University of Delhi Act is exactly similar to that in the Dacca University Act, but then Delhi itself is an expensive blunder and I do not think we should imitate it. Even if the other Universities of India have made this mistake—for it is simply a mistake in drafting only—I do not think we should wait till the other universities find this out, for we must remember that what Bengal thinks to-day the rest of India will think to-morrow.

Then, Sir, what is the principle now going to be embodied in the amending Bill? It says that the Academic Council shall have a voice in determining the pay of teachers. What is the constitution of this Academic Council?

3-45 p.m.

It is a body consisting of Professors and heads of departments and it has got a very small representation of that large body of University teachers, namely, the Lecturers of the University. At the present moment,

therefore, the Academic Council of the Dacca University is composed of the Senior teachers of the University and is a close corporation. What again is the constitution of the Executive Council of the University? It is a body of 15 Members, eight of whom are teachers of the University. There are 3 Provosts, 3 Deans and two teachers nominated by the Chancellor. Therefore, in the Executive Council of the University you have got a strong and effective representation of the senior teachers of the University. What harm is there if the Academic Council recognise the Executive Council and leave the actual emoluments of the teachers to the Executive Council where there is in addition to the teachers a very effective representation of public men also? You cannot say in one breath that you give the Executive Council of the University supreme financial control and then take away in the same breath from the Executive Council the control over the major portion of the expenditure, namely, the salary of teachers. You cannot give the Academic Council, which has got no financial control, full financial responsibility for the emoluments of teachers. Dr. Banerjea has said that the constitution of the University has been drafted to provide a balance of power. Does he not consider for a moment that there may be an absolute deadlock between the two authorities of the University? He has said that public opinion should be consulted. He has asked, has the University authorities been consulted about the subject? The Court of the University at its meeting, of the 24th January, 1925, three years ago, recommended this change to the Executive Council. The Executive Council at its meeting of the 14th of December, 1925, accepted the recommendations of the Court. The Academic Council actually by a majority of simply three votes rejected what the Court had proposed. May I read an extract from the article that appeared in the "Forward" of the 24th of November, 1927, regarding the predominance of teachers in the Council of the University? This is the extract: "The teaching staff of the University of Dacca have grievously failed to retain the confidence of the public. A group of Professors and Lecturers have formed themselves into a clique having an overwhelming majority in the Academic Council as well as in the Executive Council. The interests of the students and of education in general do not weigh with them so much as their own interests concerning promotion and emoluments. What is still worse this clique having a predominant voice in the Appointment Board is forestalling the appointment of new teachers from outside for fear that it would lose its majority in the Executive Council. The present teaching staff are deplorably inefficient, and the standard of teaching has appreciably fallen." A series of criticisms appeared in different papers in the province. Even as late as 1927 and 1928 the Report of the Aligarh University Enquiry Committee by a body of three men, whose unquestionable authority to decide on University matters was never disputed,

tells the same tale throughout. They came to the unanimous conclusion that the evil from which the Aligarh University was suffering was the evil of the predominance of teachers in all the Councils of the University. If now you take this position that you want public opinion you are simply turning your back to public opinion, in order to declare that you have public opinion behind you.

Then take the other aspect of the question. All the Universities in India after the Sadler Commission have been made responsive to public opinion. If you do not agree to this Bill—if you think that the final power of deciding the emoluments of teachers should be left to the Academic Council, you are really taking away the most effective public control in this most important matter. I just want to show how I arrive at that conclusion. So far as the constitution of the University is concerned the Court sends four representatives to the Executive Council, not one to the Academic Council. It is by this method that the Court influences the actual decisions of the University, by means of four representatives. Now, if you take away this power from the Executive Council, you are leaving public opinion absolutely out of count on this University body because they have no other method of expressing their opinion on the actions of the Academic Council. As a concrete instance of what I say I may state here that there was a proposal after the constitution of the University that retrenchment should be carried out in the pay of teachers and in various other matters. The Court in successive meetings passed resolution after resolution and the Executive Council, recognising the force of public opinion, had to agree to it; retrenchment was possible because no contracts had been entered into with teachers till then. If, for instance, the University finances had been under the control of the Academic Council, you could conceive that no teacher would agree to this slaughtering of their salary.

Then take the question of fees of examiners. I myself have been in Dacca for six years and I know that we agreed that examinations are a drudgery, and would have voted remuneration for this work but it was in response to public opinion that the Executive Council insisted that the internal examiners of Dacca should not accept any remuneration for examination work. If now you say that the financial authority should rest with the Academic Council, you can easily conceive what will be the state of the finance of the Dacca University. I therefore oppose the motion because I feel that, both on grounds of principle and of public opinion which has been thoroughly consulted, the amending Bill is essentially sound and an attempt to circulate this Bill now is not taking the stronger attitude of facing the question and saying what is right.

Babu MANMATHA NATH ROY: Sir, I rise to support the motion moved by my friend Mr. Naliniranjan Sirker.

At the outset I wish to lay before you an appeal made to this House by the Academic Council of the Dacca University whose powers it is intended to be taken away. At their meeting held on the 25th July, 1928, the Academic Council adopted a resolution to the following effect:—

"That the Academic Council regret that the Government of Bengal in the Ministry of Education should propose an amendment of the proviso to section 20 (c) of the Dacca University Act in such a way as to reduce the status of the Academic body to a mere advisory body in the matter of fixing remuneration of teachers and emoluments of examiners and thus remove a salutary check to the powers of the Executive Council in these matters: that a copy of the above resolution be sent immediately to the Vice-Chancellor of the University, the Minister in charge of Education, Bengal and also to the Secretary of the Bengal Legislative Council for placing it before the Members of the Council."

I accidentally came across this resolution on the table of the Committee Room the other day and it seems to me that the position of the Academic Council is fully justified. The reason given by the Minister in charge of Education for bringing forward this amendment is misleading. It is stated in the Statement of Objects and Reasons that the object is to secure the final word to the Executive Council in the matter of finance, but the Hon'ble Minister should not forget that the present Act secures that provision. It is only in the earlier stages that the amendment seeks a change. According to the present law, Academic Council has to make a recommendation. What the amendment seeks is only a consultation with the Academic Council. The Hon'ble Minister says in the Statement of Objects and Reasons that this was certainly the opinion of the Calcutta University Commission. I have gone through that part of the report of that Commission which deals with this matter and I place their views before the House. (VOICES: Louder please; we can't hear.)

Mr. PRESIDENT: Mr. Roy, will you please speak aloud? Members on this side can't hear you.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. The same was the case with Mr. Rahman; we could not hear a single word of his.

Babu MANMATHA NATH ROY: The recommendations of the Commission will be found in their Report, Volume IV, at page 393, and I would ask the House to say whether the present law or the proposed amendment would be in accordance with their recommendations. I would ask the House to note how very definitely the Sadler Commission

puts this matter. Their recommendation runs thus: "While the determining power in financial matters in general ought to rest with the Executive Council, we feel that there are certain financial questions in regard to which the academic body has a right to be heard. These are specially the fees paid by students or to examiners, the rate of remuneration of teachers and the expenditure of available University funds on a large scale for an academic purpose rather than another. We, therefore, propose that questions of this order should not be determined by the Executive Council unless and until they have received a report from the Academic Council." So, it appears that the Commission insists upon a report. It seems that consultation does not amount to a report, but recommendation does The amendment seeks to ignore the important right of the Academic Council in this matter.

The second mischievous amendment proposed in this Bill is to leave questions with regard to teaching and work in laboratories and workshops largely in the hands of the Executive Council. It will be a sad day for education and the country if the teachers do not adequately deal with these matters. It should be the teachers who ought to lay down the rules in regard to teaching and laboratory work. The amending Bill however in clause 4 (*1*) (*c*) proposes that for the words "in accordance with any syllabus prescribed by the Regulations" the words "in the manner provided by the ordinances" shall be substituted: also in clause 6, the Bill proposes to lay down that the manner in which the lecturing, work in the laboratories or workshops and other teaching referred to in sub-section (*1*) of section 6 shall be conducted, and the conditions in accordance with which the tutorial instruction referred to in sub-section (*4*) of section 6 shall be given, shall be conducted by ordinances made by the Executive Council. Ordinances are made by the Executive Council, whereas Regulations are made by different authorities in the University. So long the work of teaching and laboratories used to be conducted in accordance with the regulations framed by the Academic Council.

Teachers have within the last few years secured position, prominence and status in the teaching work of the University, and it will be a sad day for the country and the cause of true education in the country if a legitimate share of the work of the University is now taken away from them.

4 p.m.

Dr. BIDHAN CHANDRA ROY: Sir, when I rise to speak on this Bill I do so with the full sense of the responsibility that attaches to one who has been a teacher in the Calcutta University for the last 25 years and as one who has worked among students every day of his life for this period. What Mr. Rahman has said is entitled to the

greatest respect, because I know that whenever he speaks regarding a certain matter he does so sincerely and with full conviction, and, secondly, because he has been a teacher of the Dacca University until recently.

In his opening speech the Minister for Education has quoted the Lucknow University and Mr. Rahman has quoted the Nagpore University. I wonder if the Hon'ble Minister for Education thought fit to look into the Lucknow University Act. If he did so, he would have found that on page 11, section 20, it is stated that "no action shall be taken by the Executive Council in respect of the appointment of, and fees paid to, the examiners or the number, qualifications or emoluments of teachers, otherwise than after consideration of the recommendation of the Academic Council." If he had gone a little further, he would have found that in section 30, page 15, it is stated that the Executive Council is empowered to promulgate ordinances, provided that "no ordinance shall be made affecting the number, qualifications, and emoluments of teachers of the university, unless a draft of the same has been proposed by the Academic Council." The initiative is distinctly laid on the Academic Council for proposing the number, qualifications, and emoluments of teachers, and the Executive Council cannot fix the number of appointments unless it has been first proposed by the Academic Council. That is so far as the powers of Executive Council is concerned. If he had enquired into the constitution of the Executive Council of the Lucknow University, he would have found that the Academic Council, qua-Academic Council, has two representatives on the Executive Council, whereas in the case of the Dacca University there is no provision for any representation of the Academic Council on the Executive Council. I find that the Hon'ble Nawab Saheb is putting his tongue out, because he thinks that I am misdirecting the Council. I shall state the names of the various persons who form the Executive Council of the Dacca University: the Commissioner of the Dacca Division, the Deans of the Faculties, the provosts of the Muslim and Jagannath Halls, two non-Muhammadan members, two Muhammadan members of the Court, four persons, two of whom shall be teachers, appointed by the Chancellor. My proposition is that the Academic Council has no representation on the Executive Council and I hope that the Hon'ble Nawab will agree with me on that point.

Mr. Rahman has quoted the case of the Nagpore University. Regarding that university, it is said that the Executive Council may "at its discretion institute such professorships, or lecturerships as may be proposed by the Academic Council." Then, on page 19, section 29, it is stated that ordinances shall be made by the Executive Council, provided that no ordinance shall be made affecting the number, qualifications, and emoluments of the teachers of the University, unless a draft of the same has been proposed by the Academic Council.

Therefore, Sir, from the Acts governing the two Universities that have been quoted in this Council, viz., the Lucknow and the Nagpore Universities, it is clearly seen the intention of the framers of these Acts, viz., both in Lucknow and Nagpore the initiative of making a proposal affecting the number, qualifications, and emoluments of teachers of the University, lies with the Academic Council. In Nagpore also the constitution says that the Executive Council shall consist, amongst others, of one member elected by the Academic Council from its own body. Therefore, here also the Academic Council has a direct representation on the Executive Council. If you consult any of the Indian university calendars—I have done so and I can say with confidence—you will see that in every one of them, wherever the method of having Executive Council is started, the Academic Council has a direct representation on the Executive Council, barring the Dacca University. It has been suggested that if this power is not given to the Academic Council, there may be a deadlock. In the Calcutta University we are accustomed to a procedure whereby the first proposal comes from the Board of Higher Studies and from the Executive Council in charge of the post-graduate departments, to be subsequently considered by the Syndicate and confirmed by the Senate. I do not say that every nomination or selection made by the post-graduate departments would meet with the approval of every member of the Senate. I do not say that in certain instances vested interests do not come in, which probably vitiate the clear vision and judgment of the Senate. But I do say this that because there has been one instance in which the members of the Academic Council have failed to rise to the occasion that this principle which has been accepted by the other universities should not be continued in Dacca. Simply because in one instance they have failed to rise to the occasion, is that a sufficient reason for making the change that has been proposed. I would impress this again on the House that the proposed change would take off the initiative from the Academic Council. The final authority must rest with the body which controls the finances, viz., the Executive Council, but I do say as a teacher that it would be a bad day if the power of initiative is taken from the Academic Council. Sir, the Academic Council under the Dacca University Act is given the responsibility of seeing that the control, the regulations and the maintenance of the standard of instruction, education, and examinations of the University are maintained at a high level. I wonder how the Academic Council can be asked to maintain the standard of instruction and education, unless at any rate, the Academic Council be given a free hand in recommending the sufficient number of Professors and teachers that they require, and the proper emoluments that would attract the proper class of men: because it is then only that you can ask the Academic Council to perform the functions that have been cast upon them by the Act. Sir, it is also a fact, as far as I am aware, that

in this matter, the opinion of the Academic Council is against this change. On the 10th August, 1925, the Academic Council resolved that no action need be taken with reference to the foregoing recommendation of the Court to the Executive Council. This recommendation of the Executive Council was made at its meeting held on the 14th of December, 1925, this Council concurred in the recommendation of the Court and resolved to curtail the powers of the Academic Council, as indicated above. This decision of the Executive Council was never informally communicated to the Academic Council and it was never officially informed of the resolution at any time. If that is so, I say that the authorities of the University, who have recommended to the Hon'ble Minister these changes, have violated the fundamental principle of the Act. On page 47 of the Dacca University Act it is stated that the Executive Council shall not propose the draft of any statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court. But, when it is proposed to change the very words of the Act, I ask the Hon'ble Minister to answer my specific question—Was this proposal of the Executive Council, made on the 14th of December, 1925, ever placed before the Academic Council, and, if so, what was the written decision or opinion of the Academic Council?

Sir, Mr. Abul Kasem dealt with this question in his usual way. He said that this Academic Council has been inimical to the Dacca University. When Sir Abd-ur-Rahim was the Member in charge of the Department of Education two years ago, the Dacca University received a statutory grant from this Council of Rs. 5 lakhs recurring and Rs. 5 lakhs non-recurring.

Sir ABD-UR-RAHIM: The grant was made in spite of your opposition.

Dr. BIDHAN CHANDRA ROY: My friend says that in spite of our opposition this grant was given. May I humbly inform him that there was no opposition, as will be proved from the records of the Council? One of the reasons why there was no opposition was the fact that Sir Abd-ur-Rahim made a very conciliatory speech in which he as Member in charge said that he would consider the case of the Calcutta University. We are told that if we allow the Academic Council to have this power of initiative, they will abuse their powers. Sir, we have got one power and that is of electing the President of this Council. We have also got the power of fixing what his remuneration should be. Supposing in one case we decided not to vote Rs. 3,000 as the salary of the President, am I to be told that we should be deprived of our rights because we do not know how to fix

the emoluments of the President. In the case of the President the election depends upon the vote of the House, although the final decision rests with His Excellency the Governor. Therefore the Council should not be deprived of its powers simply because in one instance they have failed to do what the Governor expected them to do.

4-15 p.m.

I plead in the name of freedom of the Dacca University; I plead also because the Dacca University is a neighbour of the Calcutta University. What happens to-day in the Dacca University is likely to be imposed upon us in the Calcutta University to-morrow. Therefore I say let there be no interference with the power of initiative that is not vested in the Academic Council. If you wish that the Academic Council should abide by and carry out the responsibilities vested upon it by the Act itself, give them the power to do so. If, as has been mentioned by Mr. Rahman, the constitution of the Academic Council is not properly laid down and if it is a fact that the junior teachers are not represented in the Academic Council, let my friend Nawab Bahadur bring in a motion for amending the constitution of the Academic Council and we shall support him. Once he has created the Academic Council and once he has given to them a statutory responsibility under the Act, pray don't interfere with that amount of power which they should enjoy if they are to carry on the work of teaching in the University smoothly.

Sir ABD-UR-RAHIM: I wish to say just a word or two to explain the amending Bill. I am afraid the provisions of it have been entirely misunderstood by those who are supporting the motion for circulating the Bill for eliciting public opinion. Under the Act, as it stands at present, whatever powers nominally the Executive Council may have the final word rests with the Academic Council. It says that the matters under consideration cannot be dealt with otherwise than on the recommendation of the Academic Council, that is to say, if the Academic Council, does not make a certain recommendation the Executive Council has no power to interfere in the matter. It can send it back to the Academic Council for reconsideration but supposing the Academic Council sticks to its opinion then the Executive Council is powerless. I suppose the Dacca University must have felt that if the provision of the Act were to stand, as it does now, there is every likelihood of a deadlock. Deadlock indeed cannot be avoided sooner or later if the wording of the Act is to remain as it is. In order to remove all possibilities of deadlock I take it that the Dacca University had to come up before the Council to amend the Act. As regards the question where power ought to lie, I take it and understood from the

speeches of the hon'ble members, who have supported the motion for circulation of the Bill for public opinion, that the Executive Council has the power and should have the power to administer the finances of the University. There cannot be any two opinions about that. If that is so, the final word ought to rest in fact with the Executive Council. All the speakers on this side are under a misapprehension on that point. The final word should in fact and actuality rest with the Executive Council, but it is now with the Academic Council which is absolutely wrong according to the trend of the Dacca University Act. Another simple consideration I wish to submit to this House. It is a very weighty and important consideration, that when in a matter of internal procedure of the University, the authorities of the Dacca University as a responsible body have come up to the Council with a proposal to change the procedure in certain respects, so that the affairs of the University could be managed better, would it be right on our part to interfere and say to the Dacca University—" You don't know what the procedure should be so far as internal administration of the Dacca University is concerned and that we know better." It would be wrong on the part of the Council to take up such an attitude. We must in the case of a University like the Dacca University repose some confidence in the judgment of the University. We should realise that as regards the difficulties that might arise in the daily administration of a big institution like the Dacca University, the authorities could not be expected to expose all their difficulties before the public. We must take things considerably on trust when a body like the Dacca University comes and tells us that it is necessary that the procedure in certain respects ought to be altered. I therefore submit that on principle the amending Bill is right, so far as this clause in concerned and I do not think there is any serious dispute as regards the other clauses which are perfectly sound. As regards the Acts of other universities I might say that it is not right to cite the case of other universities in a matter of this sort—a matter of internal administration. I don't think either, that the Acts of the other universities have exactly the same words. The words here are not " after considering the recommendation of the Academic Council " but the words are " on the recommendation of the Academic Council." There is a world of difference between the two as every lawyer will tell you. Even if the Acts of the other universities had used the same language in laying down the procedure between the Academic Council and Executive Council and no difficulty arose in their case, that is no reason for saying to the Dacca University " you must keep these provisions although you might apprehend difficulties in the management of the University."

Mr. JOGESH CHANDRA GUPTA: As a representative of the city of Dacca I feel that I ought to say something on the motion before this

House. This Bill has been introduced in this Council but the opinio of the local bodies of Dacca have not been asked with regard to thi Bill. There are some bodies in Dacca who are entitled to elect repre sentatives to the Court like the Peoples Association and the Dacca Bar Library and I am informed that they were not consulted about thi legislation. Another grievance that some members of the Court an the Dacca public make is this: There have been from time to tim certain other important suggestions from them as regards improvemen in the Dacca University but it is strange that none of these has bee considered and no provision has been made with regard to those sugges tions in this Bill. There is also another fact which I need mention I asked my hon'ble friend Mr. Nazimuddin, a member of this Counci and also a member of the Executive Council of the Dacca Universit whether during the working of the Act in the last five years there wa any case of difference of opinion between the Academic Council and th Executive Council resulting in a deadlock. Mr. Nazimuddin said tha there had been none. Hence when we find that there had not been an matter on which there has been any difference of opinion, we really d not understand why in such a hurry this amending Bill has bee brought forward before the Council. Some people suspect that th Executive Council are about to make some appointments on a very hig salary and that it is not finding favour with the Academic Counci and hence has arisen the necessity of rushing through such legislation like this.

I will not detain the House longer but I appeal to the Hon'bl Minister to ascertain the views of some of the representative associa tions of Dacca. If the Hon'ble Minister likes this Bill may be circu lated and the opinions asked for may be placed before this presen session (say) on the 25th or 26th August. It need be circulated in very small area. The Dacca University applies to a radius of five mile around the city of Dacca and the opinion can be easily collected withi a short time. I do hope that the Hon'ble Minister in charge of thi Bill will accede to this simple request of mine so that opinion of th public bodies in Dacca who are entitled to send representatives to th Court may be collected within this time. If this suggestion is no accepted it would be necessary for me to oppose this Bill.

Rai HARENDRANATH CHAUDHURI: If the best qualificatio for introducing a measure for University reform is not to pass through its portals, the next best qualification to speak on a University matte is not to be connected with any University at all after taking one' degree. I stand therefore on the second best qualification to speak i connection with the Bill before the House. Now, Sir, so far as th Dacca University Bill is concerned it has been pointed out that th Statement of Objects and Reasons is very misleading indeed, for th most important amendment is going to be made because the final word

on fees to be paid to the examiners and the emoluments of the teachers should, in the Government's opinion, rest not with the Academic Council but with the Executive Council. As matters stand at present it is not with the Academic Council even now. However, Sir Abd-ur-Rahim speaking on this Bill has attempted to point out that the final word does not rest with the Executive Council. Assuming that is the case, who is responsible for that except the framers of the Dacca University Bill? The framers had very good reasons not to leave that power with the Executive Council because by section 21 of the Act the whole responsibility of the management of the University so far as teaching and academic matters are concerned rests with the Academic Council. Section 21 says that the Academic Council shall have the control and general regulation, and be responsible for the maintenance of standard of instruction, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It is obvious therefore that in such matters the framers of the Act intended that the Academic Council should have a sufficient voice. Otherwise how can it discharge its responsibilities?

Then it is proposed that henceforth the Executive Council should have also the power of making ordinances for regulatitng the manner in which lecturing, work in the laboratories or workshops shall be conducted, and also the conditions in accordance with which the tutorial instruction referred to in sub-section 4 of section 6 shall be given. I submit, Sir, that in view of the wording of section 21 of the Bill, the proposed amendment will be ultra vires at any rate inconsistent with the scheme of the act. So far as section 28 of the Act goes, it provides that "subject to the provisions of this Act and the statute, the ordinance may provide for all or any of the following matters." It will be seen that the matters referred to therein are all connected with the administration of the University and not at all with instruction or teaching. Therefore, I submit that the proposed amendment of section 28 will be useless in as much as such ordinances will be altogether ultra vires, even if made after the amendment is passed. Now, Sir, so far as clause 5 of the Bill is concerned, Government seem to be anxious to point out that the Sadler Commission made certain recommendations. It has been pointed out by more than one previous speaker what the real nature of the recommendation of the Sadler Commission was; but, Sir, what I fail to understand is this: since when has the Ministry of Education in Bengal developed such a regard for the recommendations of the Sadler Commission? How many of the recommendations of the Sadler Commission, relating to the very University in connection with which the Commission was appointed, have been carried out by the Government, which professes to have so much regard for the recommendations of that Commission in respect of a University to which probably

those recommendations do not properly apply? I, therefore, submit that no case at all has been made out as to why the double check such as is now provided by the Act should be withdrawn, and why the Executive Council should monopolise all the powers of appointment or the powers of determining the salary of the teachers and the fees of the examiners.

[At 4-35 p.m. the Council was adjourned and it reassembled at 4-45 p.m.]

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: Sir, I, as the representative of the Dacca University, feel that the amendments proposed by the Hon'ble Minister are necessary and as such support them. At the same time, I feel that this Bill, or for that matter any Bill, should not come before the legislature without being circulated. I hope the Minister in charge of the Bill will see his way to have it circulated.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, in summing up the debate that has taken place in connection with such a small measure I want to say just a few words in reply to some of the criticisms that have been made by my friends. Some of my friends, especially Mr. Manmatha Nath Roy if I remember aright, were telling us that our amending Bill is against the spirit of the recommendations of the Sadler Commission. But I would respectfully submit that it is not the case. At page 393 of the Commission's report you will find it suggested that the Executive Council should be authorised to do everything after receiving the report of the Academic Council. Here, also, we want to do exactly the same thing. What we say is after receiving the report of, or after consulting, the Academic Council, the Executive Council should be authorised to fix the salaries and the emoluments of the teachers and the fees of the examiners. So, we are strictly following the recommendation of the Sadler Commission. Then, the question was asked that although immediately after the report of the Sadler Commission the Dacca University Bill was prepared and enacted, why is it that the framers of the Bill did not pay any heed to those recommendations? Sir, at that time it was thought that the Act as passed would meet the requirements of the University, and for some time everything actually was going on smoothly. I have given one instance in which the Academic Council failed to perform the duty which has devolved upon it under the Act. I have cited the instance of Pundit Haraprasad Sastri, and I have shown in my speech that simply because the Academic Council refused to sanction the salary of Pundit Haraprasad Sastri the Executive Council could not appoint him and an inferior person had to be appointed. So, is it not a very strong case that I have made out? My friends have said that no case has been

made out for this Bill. I say that the one case that I have cited should open the eyes of the world to the manner in which the Academic Council has been performing its duty.

Rai HARENDRANATH CHAUDHURI: The world is too big a thing.

Mr. JOGESH CHANDRA GUPTA: Let the eyes of the House be open first.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir Abd-ur-Rahim in his able speech in support of the amendment has pointed out.....

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. Sir Abd-ur-Rahim did not speak in support of the amendment but in opposition to it.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I should rather say that Sir Abd-ur-Rahim when he spoke about it mentioned that the final decision on all matters of emolument of the Professors and teachers rests really with the Academic Council. My friends on the left pointed out at the beginning that the Executive Council has the final authority in such matters. I should say that the Executive Council should have the final authority, but they have not got that at present. We have brought forward this Bill in order to rectify this.

Sir, my friend Dr. Bidhan Chandra Roy in his speech before the House has pointed out that this Executive Council is not representative of the Academic Council. Technically he is right, but I can say that actually the Executive Council contains eight members of the teaching staff. So, although they have not been elected to this body, they are there—eight of them are there—as members of the Executive Council out of a total number of 17.

Dr. BIDHAN CHANDRA ROY: On a point of personal explanation. What I suggested was that the representation of the Academic Council on the Executive Council will make those members abide by the decision of the Academic Council.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, after all, interest is interest. In this case, the interest of the teaching staff is the interest of those eight teachers. If the interest of the eight teachers is safeguarded, the interest of the teaching staff also will be safeguarded. So, really speaking, although they do not represent the Academic Council, they are members of the Executive Council. (A

VOICE: Not necessarily.) I say they are. So, it will be seen that in a committee of 17, eight come from the teaching staff and really control the deliberations of the Executive Council. Naturally I do not understand how my friends can say that the opinion of the Academic Council will not be duly considered by the Executive Council. Then, some of my friends, especially Mr. Gupta, have said that the matter ought to be referred to the Dacca people, because the Dacca University has got a jurisdiction over the city of Dacca only. So, my friends think that it should be circulated for eliciting the opinion of the Dacca people. I may tell the House, if I remember aright, that this very gentleman personally told several people that this amending Bill has really the support of public opinion of Dacca.

Mr. JOGESH CHANDRA GUPTA: On a point of personal explanation, Sir.

Mr. PRESIDENT: Mr. Gupta, you had better offer your explanation after the Hon'ble Minister has finished his speech.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: So, Sir, a sufficiently strong case has been made out for amending the Dacca University Act in the way we have suggested. I hope the Council will consider this question carefully and not send back the Bill to the country for circulation.

Dr. BIDHAN CHANDRA ROY: Sir, may I request the Hon'ble Minister to give an answer to the specific question that I asked him—Whether the proposal of the Executive Council was put before the Academic Council, and, if so, what answer the latter gave?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The matter first came before the Court, and the Court decided that the Act should be amended as proposed. Then the matter went to the Executive Council and it accepted the amendment. After that, the matter went to the Academic Council, which opposed it; after which it again came back to the Executive Council, which in its turn reconsidered the matter and again came to the conclusion that the amendment ought to be carried out and that a Bill should be prepared.

Rai HARENDRANATH CHAUDHURI: In the face of the opposition of the Academic Council?

Mr. JOGESH CHANDRA GUPTA: On a point of personal explanation, Sir. The Hon'ble Minister in his speech has thought fit to refer to the report of a private conversation that I had with some members. Personally, I do not grudge that, provided I also have Hon'ble Minister's

permission to make use of some of his private conversations. (Hear, hear.) However, that is another matter. All I can say is that the report which has reached the Hon'ble Minister is not quite what I actually said when arguing this matter over with one of the members of the Ministerialist Party about the desirability of circulation or otherwise. I said that if the Hon'ble Minister agreed to circulation opinion might be in his favour, and, therefore, there ought not to be any objection to circulating it to representative bodies such as the Peoples' Association of Dacca. I never said that the opinions of such bodies are in favour of this Bill. I have categorically stated before this House that those bodies have themselves said that they have been ignored, that no opinions have been asked for from the representatives of Dacca. The Bill was not also sent to the Dacca Board for opinion. Therefore, I said that the Bill should be circulated for opinion.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I never in my speech suggested that Mr. Gupta ever said that certain associations are in favour of the Bill; I simply said that Mr. Gupta had stated that public opinion was in favour of the Bill.

Dr. PRAMATHANATH BANERJEA: Sir, may I ask a few questions of the Hon'ble Minister?

Mr. PRESIDENT: I am afraid I cannot allow you to ask questions at this stage.

5 p.m.

The question that the Dacca University (Amendment) Bill be circulated for the purpose of eliciting public opinion thereon not later than the 30th of November, 1928, was then put and a division asked for.

Rai HARENDRANATH CHAUDHURI: May I rise, Sir, on a point of order? Can those members who have been nominated under section 72 (*a*) of the Government of India Act vote on such questions?

Mr. PRESIDENT: Whom do you mean Mr. Chaudhuri?

Rai HARENDRANATH CHAUDHURI: Certain experts have been nominated under section 72 (*a*) of the Government of India Act. I submit, Sir, they are not entitled to vote on any question except with regard to Bills for which they have been nominated.

Mr. PRESIDENT: I quite understand your point. I think you mean Dr. Jenkins and Rai Mahendra Nath Gupta Bahadur. If I remember aright Dr. Jenkins was appointed member of this Council to take part in

debates as well as in divisions only in connection with the Calcutta University Bills and the Rai Bahadur in connection with the Bengal Tenancy (Amendment) Bill. So, when we are not discussing those matters they are more or less strangers on the floor of the House and are therefore not entitled to vote. I think they have already been informed of that fact by the Legislative Department.

A division was then taken with the following result:—

AYES.

Bagchi, Babu Romes Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Premetha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Basi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subbas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Goenka, Rai Bahadur Badridas.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Khan, Babu Debendra Lal.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.

NOES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bakeh, Maulvi Kader.
Blair, Mr. J. R.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. N.
Ghose, Mr. M. C.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hossain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Parrett, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.

Rahim, Sir Abd-ur-.
Rahman, Maulvi Shamsur-
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rauf, Maulvi Syed Abdur.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. P. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdul.
Sattar, Mr. Abdool Razak Hajee Abdool.
Shah, Mr. Gholam Hossain.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. S.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 46 and the Noes 61, the motion was lost.

The question that Dacca University (Amendment) Bill, 1928, be taken into consideration was put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta.
Aizal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Baksh, Maulvi Kader.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Yamizuddin.
Khan, Mr. Razaur Rahman.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
Martin, Mr. G. S.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Parrett, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Shamsur-
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rauf, Maulvi Syed Abdur.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. P. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdul.
Sattar, Mr. Abdool Razak Hajee Abdool.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. S.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

NOES.

Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakrabortty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.

Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Khan, Babu Debendra Lal.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

The Ayes being 63 and the Noes 39, the motion was carried.

5-15 p.m.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I beg to move that the Dacca University (Amendment) Bill, 1928, as introduced in Council, be passed.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. Has he not got to move clause by clause?

Mr. PRESIDENT: That is not necessary. There was only one amendment, and therefore, the Bill will be taken up as a whole.

The motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, was then put and agreed to.

The Bengal State Aid to Industries Bill, 1928.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): I beg to move that the Bengal State Aid to Industries Bill be introduced.

[The Secretary then read the short title of the Bill.]

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I beg to move that the Bengal State Aid to Industries Bill be referred to a Select Committee consisting of Mr. R. N. Reid, Maharaj Kumar Sris Chandra Nandy, Babu Naliniranjan Sarker, Khan Bahadur Maulvi Azizul Haque, Rai Jadunath Mazumdar Bahadur C.I.E., Mr. A. K. Fazl-ul Huq, Babu Saral Kumar Dutt, Mr. Razaur Rahman Khan, and myself with instructions to submit their report in time for its consideration at the next session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The scope of the Bill is sufficiently set forth in the Statement of Objects and Reasons and I need not at this stage enlarge upon the subject. It will suffice to say that this is a subject which has long

been under discussion and that it is hoped that this Bill will enable assistance to be given by the State so as to encourage those industries that require help, particularly those of the home or cottage kind. As you will observe, the Bill enables such help to be given by way of loans, guarantees, the hire-purchase system and so on. A Board of Industries consisting of officials and non-officials will be set up to advise Government on applications.

With these words I move that the motion be accepted.

Babu NALINIRANJAN SARKER: I move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 30th November, 1928.

Before placing my views on the provisions of the Bill under consideration, I would like to refer to the sudden and dramatic change that has taken place in the Government since the publication of this Bill. The Hon'ble Sir Provash Chunder Mitter has received permanent "State aid" for his industry in the bureaucratic cause—even before the introduction of the Bill for State aid to our languishing industries for which only a little while ago, he seemed to be so solicitous. This transformation of Sir Provash is presumably in the course of that type of evolution in which he as a liberal was a staunch believer, and for which, doubtless, he as now cause for more vehement enthusiasm. He professed to tolerate abuse from this side of the House in the wider interest of nationalism and the larger interest for the good of the motherland. But he has not been able to overlook the sudden opportunity for establishing himself on the Government bench on a permanent basis. When the Bill received his final administrative assent as Minister for publication in the Gazette in early July could it have been that coming events cast their proverbial shadows, else how can we explain the out and out official standpoint which scares us through every section.

When the mantle of Sir Provash has thus fallen, though temporarily, on the Nawab Saheb's shoulders there is cause for both jubilation and regret—regret because Sir Provash and the Nawab Bahadur always claimed to be an indivisible unit devoted to that phantom, joint responsibility, now a thing of the past; jubilation, because it is in the fitness of things that the Nawab Bahadur who on his own modest admission has reached the pinnacle of success and industrial prosperity by sheer devotion to honesty for 20 years, neither more nor less, is the fittest person to inaugurate a measure whose objective is, it is alleged, to make Bengal achieve as resplendent a glory as his own.

In view of the industrial backwardness of our province a Bill for giving State assistance to industries to stimulate their development is imperative and urgent. It has come none too soon. We will admit

that view; and the Council will allow it. There is, no doubt, Sir, that our industry is hungry and urgently needs nourishment. But the question is: Will this Bill satisfy that hunger and supply that nourishment? Is there really anything more of consolation in the Bill except what there may be in its name. The necessity for such legislation lies in the definite need of encouragement and impetus required for the "establishment and development of industries" in the province in order to improve the economic condition of the people. Unless that objective is even partially reached there is no virtue in having an Industries Act on the Statute Book. The scope of the Bill before the House is so limited, that even if the most substantial additions and alterations allowable within that limit be made in the Select Committee, that will not enable us to get an Act that would help materially in the improvement of our industrial life. The framer of the Bill has failed to prescribe the proper remedies because he has failed to diagnose the disease. He is no better than a quack doctor. The greatest obstacle to our industrial development especially in the case of small scale undertakings, as observed by the Industrial Commission, is the reluctance of the investor to risk his money in new industries and the inability of the small industrialist to try the hazard of experiment. It is for this reason that the Commission recommended the establishment by Government of "pioneering" and "demonstration" industries. Unless, therefore, the provision for the establishment of such industries be incorporated in the Bill it will be of little use. In fact, the policy of the Bill should be to emphasise the duty of the Government in the matter of initiating and giving impetus to industries by all means at their command. Not to do so would be going back upon the declared policy of the Government that "in future Government must play an *active* part in the industrial development of the country." It was a principle deliberately recommended by the Industrial Commission and accepted by the Secretary of State after consulting the Provincial and Central Governments. This Council cannot, therefore, accept the very preamble and the object of the Bill if they really wish well to the country.

The Bill is claimed to be modelled on similar Acts of the Madras and Bihar Governments. But a comparison of its preamble and Statement of Objects and Reasons with the preamble of the Madras Act would be enough to show widely these two measures differ. The preamble of the Madras Act gives power to the Local Government "to assist in the establishment and development of industries" in the Presidency of Madras. But the preamble of the Bill before this House provides only for "the giving of State aid to industries in Bengal." The limitation of the Bill is clearly emphasised in its Statement of Objects and Reasons: Therein it is stated that the object of the Bill is to obtain statutory power to enable State aid to be given

"mainly for the purpose of encouraging cottage industries and industries on a *small* scale, in the shape of loans, guarantees, the provision of a hire-purchase system, etc." The difference is fundamental in principle and vital in effect. To take power for giving aid to a class of industrial enterprises in a given shape is one thing; and it is quite another to accept the responsibility of the State to stimulate and encourage industries.

The proposed measure would not lead to the stimulation of industrial development in the province. This problem was discussed threadbare during the War and after it by responsible bodies and the activities of the Munitions Board corroborated their conclusions. A perusal of the literature relating to the subject issued at that time would show that technical advice, pioneering, demonstration and guaranteeing of the purchase of indigenous manufactures on the part of the Government were considered to be the essential conditions of industrial development in this country. Mere aid in the forms proposed would not bring about that result. What is required is an active policy of initiative and sincere help and not a mere passive system of doles given here and there.

In the suggested Board of Industries there is more than a mere majority of official and nominated members. In this matter also it is widely divergent from the provision of the Madras Act. Under the present condition of the country I do not think such a Board would at all work in the real interests of the country. In 1920, while criticising the post-War policy of the United Kingdom in relation to industries, a Conservative non-parliamentarian of London said. "You may have either flourishing industries or a flourishing bureaucracy but never both." The same remark applies more effectively and suitably in this country where, a fortiori industry and bureaucracy cannot prosper together. So, if the Board is dominated by the Government element the plight of our industries can well be imagin[illegible]

Then with regard to the powers of the Board it has been made purely advisory without any power of initiative. The Bill prepared by the department of Industries and approved by the nominated advisory Board of Industries, made provision for the constitution of the Board as a corporate body with powers to hold and disburse money allotted to it and which should not lapse by the end of the year. This was their unanimous opinion on the Bill, and the Director of Industries, Mr. Weston, agreed with this view, but even this is not provided for in the Bill.

There is another point. The classification of industries into small and large is vague and can be given any construction, leaving them stranded in the No Man's land between the Central and Provincial Governments. We want a more definite and scientific classification of

industries into Provincial and Central. The principle for such classification has been laid down by the Industrial Commission and they also gave examples of industries falling within the scope of the provincial Government. The principle, briefly, is this: Industrial enterprises large enough to involve interprovincial relations should be classed as Central and those not involving such relations should be classed as Provincial. On this principle, a schedule of industrial enterprises in the province should be prepared and classified for the purpose of the Bill as major and minor undertakings according as they are Central or Provincial.

My next point is that such an important Bill should not be passed through the legislative mill without first seeking and obtaining public opinion thereon. The opinion of those who take an interest in our industries will be of valuable assistance to us in considering this Bill.

5-30 p.m.

I do not, therefore, appreciate the desire of the Hon'ble Minister in charge to hurry the Bill through. I am sure the circulation of the Bill for public opinion will not entail unnecessary delay. And, Sir, even if the Select Committee be now formed it will be very difficult for the members of this Council to attend to it carefully during this session in view of the fact that the Bengal Tenancy (Amendment) Bill will engage their first and foremost attention; and after the session is over, the Members of Government and the Ministers will run up to the hills to amplify the enjoyments which have been unstintedly provided for them. And what likelihood will then be of their coming down before November to enable them to sit in the Select Committee over the Bill earlier. So there can be no valid reason for withholding the circulation that I advocate.

Rai HARENDRANATH CHAUDHURI: I beg to move that the Bill be circulated for the purpose of eliciting opinion on it before the 30th September, 1928. Sir, the mountain in labour has brought forth the proverbial mouse. For sometime past we were being assured that a Bill for State aid to industries was under preparation and would soon be introduced in Council. But, Sir, even after such a delay the Bill that has been brought forward does not even come up to the line of the previous Madras and Bihar Acts. A few years ago, Sir, it was known all over India that what Bengal thinks to-day the other parts of India think to-morrow. But we now see, Sir, that the position stands reversed. What Madras and Bihar could think in 1923 Bengal cannot conceive even in 1928, far less proposing any advance on the measures now in operation in Madras and Bihar. My friend, Mr. Naliniranjan Sarker has already pointed out the limited scope of the Bill by comparing the preamble of the present Bill with that of

the Madras Act. Let me now point out some other features of the Bill in which the Bill may well be said to lag behind even the Bihar Act. Take for instance the constitution of the Board of Industries. The Bengal Bill proposes that the Board of Industries should consist of two Government servants, six nominated members and four members representing the different Trades and Commerce Associations, whereas the Bihar Bill provides at least for the representation of the Legislative Council on the Board by three members. No such provision has been made in the Bengal Bill. It has absolutely ignored popular representation and still it hopes to encourage the industries of Bengal. There is one word more about the constitution: the Bihar Bill proposes that the Director of Industries should be only an ex-officio member of the Board; it does not say that he must be the Chairman of the Board, whereas the Bengal Bill says that whatever may be the constitution of the Board, whoever may be the representatives on the Board, the Director of Industries should be at the head of the Board and he must be the chairman of the Board. Take for instance, if a man like Sir Rajendra Nath Mukherji be on the Board, he must not be the chairman of the Board, he must play the second fiddle and the Director of Industries must play the role of the chairman of the Board. That is what the constitution of the Board comes to.

Then, passing on to the function of the Board of Industries, what is the function provided for in the Bill? Well, Sir, the Board of Industries is simply reduced to the position of receiving applications and reporting on them. No more power has been conceded to the Board. It is simply an application receiving and report-making agency. Even on so important a matter as the termination of State aid the Board has no voice at all. The Board will not be consulted even, far less any step will be taken on the initiative or on the motion of the Board. Clause 24 of the Bill says that if the Local Government decides for reasons to be recorded in writing to terminate aid in respect of any industry on one of the following grounds the Local Government may make an order to that effect even without consulting the Board and even without seeking the approval of the Board on such an important question. What can possibly be the use of a Board of Industries which can have no voice in the termination of State aid to industries? Then, Sir, the Local Government takes undue powers, very substantial powers in the matter of controlling the State aided industries. The Bill goes to the length of proposing that it can take steps to control the conduct of such an industry so as to safeguard the interests of the Government. It will not enjoy the mere power of supervision, it will not be content with that, but it will even control from within those industries by appointing Directors and so forth. I, propose therefore, Sir, that in view of these reactionary proposals, the Bill be circulated, for I am almost sure that such a Bill will not be acceptable to the non-official public.

Dr. PRAMATHANATH BANERJEA: Sir, I gave notice several times of resolutions for the purpose of asking Government to bring forward a Bill to give State aid to industries in Bengal. But, unfortunately, owing to the limited time that is allotted to private members for bringing forward their resolutions, these resolutions were never discussed in this Council. I am glad, however, that the subject is now beginning to engage the attention of the Government.

Sir, Bengal is on her last legs, industrially speaking. State aid to industries is, therefore, an urgent necessity. But, Sir, the Bill before us is a halting, hesitating, half-hearted measure, and it is open to serious exception in several of its aspects. The scope of the Bill, as my friends have pointed out, is unduly restricted. Its scope is, indeed, more limited than the scope of the Bills which were framed several years ago in Madras and in Bihar. Another objection to the provision of the Bill is that the constitution and functions of the Board, which it is proposed to be created, are of a very unsatisfactory character. It has, therefore, been suggested that the Bill be circulated for eliciting opinion thereon. I strongly support this motion in the hope that the public of Bengal will demand a better Bill and that the Minister in charge will see his way so to amend the Bill that it may be a real help to the industrial development of the province.

Sir ABD-UR-RAHIM: Sir, I shall vote for the motion for circulating the Bill for eliciting public opinion thereon. No doubt the general Indian opinion demands that the industries in this province should be encouraged as far as possible. At the same time the Bill that has been put before the Council, I am afraid, as it stands, is not likely to serve any useful purpose. It is in one sense too narrow in conception and in another it is dangerously wide. I have gone through the provisions of the Bill as best as I could and I wish the Hon'ble Minister in charge of it could have told us and explained to us what the exact scope of the Bill is so far as giving State aid to industries in Bengal is concerned. I wish he could have explained to us the main provisions of the Bill so that we could understand what really is intended. I see a very grave danger in having provisions of the character which are embodied in the Bill. It is this. So far as I recollect, cottage industries and small industries are the main objectives of this Bill. I do not exactly know what Government's intention is so far as these industries are concerned nor exactly what class of industries have they in view? Now just imagine this. Will it or will it not be possible for a number of carpenters, or blacksmiths, or weavers, to besiege the doors of Government for aid when they are in monetary difficulties? And I am afraid a great many of them are in such difficulties. I would not envy the Hon'ble Minister, who had got to dole out small sums of money like that; and what will be the effect of such doles on Bengal's Exchequer? It is not a rich exchequer—it is a poor exchequer, and if the object

of the Bill is to lend money to those poor artisans who may be in need of it, well, you can imagine that the coffers of Bengal will soon be badly drained. I may have misunderstood the Bill in this respect, but that is what I understand it to be. That is why I began my speech by saying that the Hon'ble Minister in charge of the Bill should have explained its scope. So far as lending money is concerned, I do not think it will be in the interest of the small industries of Bengal to encourage the Minister in finding out needy artisans—needy small industrialists, so that they might come up to Government with petitions for loans. There are better ways of helping them, such as, Co-operative Societies. And I should very much like that strict provisions should be made to ensure that these loans—or, at any rate, a good proportion, of them—should go to bona fide industrialists and would be paid off. That is one of the difficulties, I feel, I should bring to the notice of the Council. But what Bengal really needs is a Bill very different from the one before us. I find nothing in the Bill to indicate that Government have any definite policy in this respect. I can indicate industries which are suitable for Bengal and which can easily be encouraged, but there is no provision in the Bill for such industries being initiated or revived. The Bill, as it stands, requires very careful consideration on the part of the public. And, therefore, the motion that has been put forward ought to be accepted, and the Bill circulated for eliciting public opinion.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, from the trend of the discussion that has taken place in connection with my motion for referring the Bill to a Select Committee, I find that everybody is under a misapprehension. Everybody is probably labouring under the misapprehension that there had been a Bill like this before and that Government have brought forward a reactionary measure.

Rai HARENDRANATH CHAUDHURI: None has said so on this side of the House.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Rai Harendranath Chaudhuri said that it was a reactionary measure. May I ask these gentlemen whether there was any such Bill, or any Act in Bengal, which provided for any aid to be given by the State? Unfortunately, there is no such Act in Bengal. So I say, Sir, this Bill is rather a gift from Government: they want to help the poor people and they want the Legislative Council to assist them in helping the poor cottage industries of Bengal. Sir, I am personally an industrialist, and I wish the Government exchequer would help me with funds in all the wild-goose schemes that I may sometimes launch for

the so-called development of the country. I know that during the War and after the War lots of industrial schemes were initiated by big capitalists, and my friends on the left are probably aware of many of them. I would just mention one case, that of the Buxa Timber and Trading Company, which was started with an initial capital of Rs. 20 lakhs and gradually spent about a crore of rupees, and which subsequently failed. I know of another big industrial enterprise started not very far from here, I mean the tannery business in Bogra which also was started with a capital of about 20 lakhs of rupees.

Dr. BIDHAN CHANDRA ROY: May I enquire if the Bill is meant to help wild-goose schemes?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: A big firm of Calcutta started another scheme at Purnea, costing them about Rs. 20 lakhs or more, and this also failed. So, as a result of the awakening in the industrial world, persons who had made some money out of the War, wanted to make more money by establishing new industries, and ultimately failed. I am sorry that the results that I have seen with my own eyes make me very cautious in advising Government to finance schemes like these. I have also seen many industrial concerns financed by the Bengal National Bank. I saw many of those concerns closing their business before my very eyes and ultimately bringing about the failure of the Bank. After all, Sir, one should be very cautious in advising Government as to the suitability or otherwise of any scheme for receiving financial aid. Government is anxious to help the people: how best it can help the people is of course the look-out of the advisers of Government. I can tell my friends this much: that whatever be the fate of this motion, the step that Government propose to take is a step in the right direction. This will enable the Government to help the poorer section of the population, and I do not think that big industrialists or capitalists, like my friend Babu Naliniranjan Sarker and others on my left, should interfere in the passing of such a Bill. It may be that if this Bill be passed into law, the ambitious schemes which my friends have in mind may not receive any attention or help from Government, but I will remind my friends that it is the poor people's money that Government is in charge of, and Government ought to try to help the poor people first. Here, Government, in its anxiety to help the poor people, to do good to the poor industries of the province, wants to open its purse-strings for the purpose. Is this to be denied to them? Is it right for the members of this Council to say "No, you must not help the poorer section of the population: you ought to help only the big industrial enterprises?" I would ask my friends on the left to consider the matter from this point of view.

They may smile, they may laugh, but I believe in my heart of hearts that what I say is right, and the small aid which Government wants to give to the poor industries of the province should not be denied to them. Sir, I appeal to the House, and through the House to the country, to rise to the height of the occasion and help the poor people who really need help. I know that these poor cottage industries are not prospering on account of the bad machinery they are now using. With small aids from Government, they will be able to purchase better machinery and so double or treble the quantity of manufactured articles. I would again appeal, Sir, to the members of this House not to deny these small aids to the poor people of the country.

Mr. JOGESH CHANDRA GUPTA: Sir, when I was listening to the speech of the Hon'ble Minister in charge of the Bill I thought he was pleading in this House for a grant to a workhouse for the poor, because all the time he was repeating that Government wanted to help some poor people. The question before us is the grant of State aid to industries and it has nothing to do with the poor people in general who are starving and who may want monetary help. In the next place, if I have heard the Hon'ble Minister aright, though I have not "seen" as he has repeatedly asked us to do, he has said that it is very difficult to advise Government to finance any industrial scheme. I do not know whether the Hon'ble Minister wants really to convey to the House that he did not think that this Bill would be of any good to the industries as regards financial aid.

6 p.m.

We have asked for circulation of the Bill because we want the opinion of the industrial people who are working under disadvantages to tell us what exactly they require in order to be aided in their industries. Sir, I should have expected some of the representatives of the industrial concerns here, to speak, I mean European members from the benches opposite. I can say for myself that apart from what this Bill proposes to give, it is absolutely necessary that we should have Government aid and supervision and control over the accounts of Joint Stock Companies and perhaps a professional system of audit in order to inspire confidence in the people who invest in Joint Stock Companies. (*Interruption.*) I should like to answer any interjections if audibly uttered. There are other matters of importance which have got to be considered in which real State aid can be given, having regard to the finances at the disposal of Government and which will really help the industrialists. I should therefore ask the House to agree to the circulation of the Bill for eliciting opinion thereon within the short period of time that has been fixed in the amendment before passing the Bill which only provides for the

establishment of a Board of Industries in place of the nominated Board that exists at present, with only advisory functions. If Government really want to aid industries it is necessary to constitute a Board with experienced men, with powers of initiative, with real power to be able to give effective voice in inducing Government to give aid when aid in the opinion of such a Board is necessary. It is no good passing a Bill and constituting a Board which would be nothing more than an Advisory Board like the Board that exists at present. With these few words, Sir, I support the motion that the Bill be circulated.

Srijut RADHA GOBINDA RAY: I support the motion of my friend Babu Nalinıranjan Sarker that the Bill be circulated for eliciting public opinion. It is really a matter of congratulation that a State aid to Industries Bill has been brought forward by the Hon'ble Minister. It is a very important Bill and it should be circulated for eliciting public opinion, because although the Bill has been drafted after sufficient consideration, there are many loopholes in it which may frustrate the object for which it has been drafted. Sir, the condition of the cottage industries of Bengal is very serious and should be improved. Government should have taken steps earlier; but even though it is late in the day, it is nonetheless a matter of congratulation to this House that such a Bill has been introduced. I am acquainted with the state of cottage industries of Bengal and I can assure the House that unless immediate steps are taken to aid these cottage industries, these industries which are already in a dying condition, will cease to exist and not be in a position to receive this aid. In my district there are about a thousand families of weavers and my subdivision is especially famous for the silk cloth industry. I am acquainted with the condition of the weavers and I can assure the House that while six years ago this industry was in a very flourishing condition it has now been reduced to a deplorable one; and unless Government take immediate steps to help the weavers these people are likely to die of starvation. Where they earned Rs. 3 per diem they are now earning only annas five a day, not because they are not in a position to work but because they are not able to compete for want of money and for want of State help with the foreign industries that have invaded the land. I congratulate the Hon'ble Minister for having brought forward this Bill and assure him that the amendment proposed will not frustrate the object of his Bill but would make it more definite, more useful and effective. Therefore I request the Council to support this amendment simply because it will help forward the object for which it has been drafted.

The motion that the Bengal State Aid to Industries Bill, 1928, be circulated for the purpose of eliciting public opinion thereon before

the 30th November, 1928, was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remes Chandra.
Bakeh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Narendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Dayal.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Nem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.

NOES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Parrott, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Shah, Mr. Ghelam Hossain.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.

The Ayes being 59 and the Noes 41 the motion was carried.

The following motions failed:—

That the said Bill be referred to a Select Committee consisting of Mr. R. N. Reid, Maharaj Kumar Sris Chandra Nandy, Babu Naliniranjan Sarker, Khan Bahadur Maulvi Azizul Haque, Rai Jadunath Mazumdar Bahadur, C.I.E., Mr. A. K. Fazl-ul Huq, Babu Saral Kumar Dutt, Mr. Razaur Rahman Khan, and the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, with instructions to submit their report in time for its consideration at the next session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th September, 1928."

6-15 p.m.

The Bengal (Rural) Primary Education Bill, 1928.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I rise to introduce a Bill to provide for the extension of Primary Education in rural areas in Bengal.

[The Secretary then read the short title of the Bill.]

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I beg to move that the Bengal (Rural) Primary Education Bill, 1928, be referred to a Select Committee consisting of Mr. J. G. Drummond, Mr. A. J. Dash, Mr. H. E. Stapleton, Khan Bahadur Maulvi Azizul Haque, Mr. A. F. Rahman, Mr. W. C. Wordsworth, Maulvi Abul Kasem, Raja Bhupendra Narayan Sinha Bahadur of Nashipur, Mr. Satyendra Chandra Ghosh Maulik, Mr. A. D. Gordon, Babu Naliniranjan Sarker, and myself, with instructions to submit their report by the beginning of the next session and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

It is hardly necessary to insist on the urgency of the need for removing illiteracy in rural Bengal. The need is almost universally admitted, and the figures support public opinion in the clearest possible way. In India the percentage of the population enrolled in elementary schools is 2·80; in Japan the corresponding percentage is 13·3 and in the countries in the West it varies from 14 to 20. The figure for Bengal is 3·53. The percentage of literacy in Bengal in 1921 was male 18·1 per cent. and famale 7·1 per cent. total 10·1 per cent., figures which compare very unfavourably with those of many European countries where almost the eitire adult population are literate.

Unfortunately in Bengal progress has been slow. In 1839 it was estimated that 7½ per cent. of the children of school-going age were at school. A rough estimate for 1921 gives the figure 20 per cent. However slow progress has been in the past in Bengal it must be remembered

that even in Great Britain the organisation of a national system of primary education has taken a long time. For many years private efforts alone laboured and from 1870 onwards public effort was being directed towards the solution of the problems of primary education, until by now the system is at last almost complete.

It is agreed on all sides that any country without an effective system of universal primary education must remain backward. In our own country of Bengal we find this impressed on us. Large communities and classes of the population are placed in an inferior position in the political life of the country by reason of their backwardness in education.

To remedy what is well known to be a serious situation, the present Bill is put forward. It does not deal with primary education in municipal areas; that is a separate problem partly dealt with by Act IV of 1919, but one which cannot be treated on the same lines as the rural problem because of the different systems of assessment and local government in municipal areas. But the present Bill represents a real attempt to break the back of the problem of primary education in rural areas and to do it now. It proposes to raise the money required now. It proposes to commence with the training of teachers now. It proposes to organise an administrative machinery now and set it in motion now. It is possible to criticise the present proposals—criticism of the various details of any new system come readily to the lips. But I challenge the critics to produce an alternative solution of the problems of primary education which can take effect as promptly as this one.

It may be said that all that is required is without additional expense to reorganise the present schools—that there are enough schools, enough equipment and enough teachers to teach all the boys and girls of ages 6 to 11 in Bengal.

Unfortunately this is not the case. There are in rural areas well over 25 lakhs of boys of school-going age, to say nothing of girls. If one teacher is to be provided for every 30 boys and each teacher is paid Rs. 15 the salary bill alone will exceed Rs. 150 lakhs per year. In addition to this appreciable sums will be required for upkeep of buildings and equipment and for training of teachers. The present expenditure by Government on primary education is quite insufficient to meet recurring charges of such magnitude.

It is not difficult to show that the present system can only be reorganised by the expenditure of a large sum of money. This the present Bill aims at providing in part if not entirely.

Is it possible to say that this scale of expenditure is too high in any item? School buildings at a capital cost of less than Rs. 20 per student, teachers to be paid from Rs. 15 per month, and a primary education supplied for a period of only four years in each child's life, can hardly be condemned as extravagant. There are few countries in Europe or in

the rest of the world where the public would consider such expenditure adequate. It may then be asked—Is the cost too much for the people of Bengal to bear in their present economic condition? The population of Bengal is about 466 lakhs and the expenditure proposed will not exceed 200 lakhs of rupees recurring per annum. This means that the cost per person would be about seven annas a year or if five persons are considered to be in each family, then each head of a family has to pay on the average about two rupees per annum. Is this too much to ask for a primary education lasting four years and open to every child in Bengal?

Arguing the case from another point of view, I should like to say this much that the Bill aims at taxing those who are owners of land either as a zamindar or as a tenancy-holder or as an occupancy raiyat and those people who carry on trade and profession but are not owners of land. It may be said here that the bargadars, adhiars and other labourers will not have to contribute anything towards the fund.

If it be granted that the cost is not excessive and has to be met. Where is the money to be found? It may be said from retrenchment. It is not possible. So large a recurring charge cannot possibly be found by any retrenchment in the Bengal Budget. Can such an amount be found by revision of the Meston Settlement? Who can say when if such a revision will take place or how much could be expected for Bengal from it?

Were there to be such a revision, would Bengal be allowed so large a recurring sum for education alone? Are there no other departments which would lay their claim for a reasonable share. I doubt if education could receive a greater share than it takes from the present revenues of Bengal, viz., one-eighth. One cannot expect therefore a sum sufficient for our purpose. Anyhow I believe we should not let primary education wait on the chance of picking up a little from any problematic revision of the Meston Settlement.

Neither is there any better prospect offered by dallying with ideas of jute export taxes, salt taxes or other sources of revenue reserved ordinarily for the Government of India. It is not known if they would agree to Bengal tapping such sources.

For these reasons, it was concluded that Bengal will have to find the money herself. If subsequently signs appear that the Government of India are willing to make extra funds or sources of revenue available for the provinces, Bengal's claim to a share will be strengthened if she can point to newly imposed taxation for primary education. In future any sums which may offer, will find the further development of primary education ready to absorb them.

If then it be accepted that Bengal must find the money now, what is the best method of taxation? There are no convenient indirect taxes

open to Bengal which could be expected to provide it. Registration and stamp taxes have been recently raised and could not be expected by further increases to yield the sums required.

Direct taxation on the basis of Union Board assessments has been suggested. But this has not been acted on because Union Boards are not a strong enough assessing and collecting agency to cope with the volume of taxation and to realise the dues with certainty and punctuality. For these reasons, the imposition of a cess has been adopted, levied as are the Road and Public Works cesses. The public are accustomed to the payment of these cesses, and the imposition of a new cess would not surprise them. The existing mechanism of assessment and collection could be easily and cheaply adapted to the collection of an education cess. Such a cess would fall on agricultural income. This would not be inappropriate for expenditure on rural education.

When the imposition of such a cess has been agreed to, it will be found that at least 5 pice in the rupee on the annual value of land will be needed to produce the amount required. How should this be apportioned between landlords and tenants? After careful consideration 4 pice on the raiyats and one pice on the landlord has been proposed in the Bill and it is not difficult to see that these proportions are equitable.

If the landlord pays one pice on his net income, allowing 2 annas in the rupee as collection charges, the new cess would be 1/56 of his net income.

For the raiyat examples may be taken from the Tippera and Faridpur districts. In Faridpur the profit per cultivated acre for the raiyat is estimated at Rs. 45. The rate of raiyati rent per acre varies from Rs. 2-1 to Rs. 3 and averages Rs. 2-9-2. The incidence of a cess of 4 pice per rupee is therefore 2½ annas on a net income of Rs. 45 or 1/288 of net income.

In Tippera, in Honmabad pargana the assessment of raiyat's rent is 4 to 5 per cent. of value of crops, in Bonadabhat it is 3 per cent. and and in the south-western parts of the district 2 per cent., and profit is about 2/3 of gross value of crop. The incidence of cess to net income of the raiyat therefore varies from 1/200 to 1/500.

It will thus be seen that incidence is much lighter on raiyats than on landlords who have also to face the expense and risk of collection of the raiyat's share.

Important provisions of the Bill deal with the establishment of District School Boards for the purpose of administering the Act. I cannot too strongly emphasise the necessity of utilising in the initial stages the most expert administrative machinery available. The problems which will confront these Boards will be novel and far from easy to solve. In

order to ensure that the scheme will have the best possible start, it is proposed to have a strong official element on the Boards during the first few terms of their operation and later to increase the non-official element.

In the hope that the House will accept the Bill generally as a genuine attempt to solve one of Bengal's greatest problems I move that it be referred to a Select Committee where it can be examined in detail.

I admit that it will be a very expensive matter, but at the same time I would ask the House not to throw out the Bill by any amendment. I appeal to the Members of this House to come with us to the Select Committee with their suggestions. I cannot say that all their suggestions will be accepted, but I can say this much that as the Bill aims at driving away illiteracy from Bengal I think it will be received in the spirit in which it has been framed, and I hope that in the Select Committee my friends will meet together and discuss the various details and produce a Bill for the consideration of this Council.

6-30 p.m.

Babu JITENDRALAL BANNERJEE: I beg to move that the Bill that has been just introduced be circulated for the purpose of eliciting public opinion thereon before the 15th of November, 1928.

Sir, I must begin by repeating a complaint which I made on a previous occasion, namely, that debate in this House tends to degenerate more and more into a farce owing to the curse of inaudibility under which the Hon'ble members of Government seem to labour.

Mr. PRESIDENT: Mr. Bannerjee, I would advise you to occupy a seat on one of the front benches.

Babu JITENDRALAL BANNERJEE: No, Sir. Not even for the pleasure of making myself audible, not so long as the present constitution lasts. If Hon'ble members of the Government do not care to make themselves heard, they cannot complain if we follow their arguments by a sort of guess-work. In this particular case, although I depend on guess-work, I do not think that I shall be far out in my reckoning—for I do not think that the Hon'ble Minister could have said anything very new in addition to what has been set forth in the Statement of Objects and Reasons.

Sir, I must frankly confess that the object of my amendment is dilatory, pure and simple. I am not exactly pining for fresh information. A lot of opinions has been already elicited on the Bill, and these opinions form a very respectable collection. And I should like Hon'ble Members to take note of the fact that all these opinions, in so far as they are non-official, in so far as they do not emanate from Government sources, are against the Bill. It has been suggested in

some quarters that we of the Swaraj Party ought not to oppose a measure which aims at the spread of education. We know that our action in this matter is liable to be misrepresented; it might be reported that we were against education itself. I myself labour under no such misapprehension. The Congress Party has got a history and a tradition of its own, and that history, that tradition, will speak for itself. You may bring all sorts of charges against the Congress Party. You may say that we are rash, headstrong and impulsive—mad, bad or worse. But, no one can possibly bring the charge that we are unpatriotic, that we are against the cause of education, that we wish to keep the people in ignorance and to profit by exploiting their ignorance. A charge like this would be so gross, monstrous and palpable in its falsehood that even the father of lies would be ashamed to own it. Our record is clear, and I stand upon that record as the best vindication of my conduct.

Sir, so far as this particular Bill is concerned, its principles—the pivotal principles upon which it rests—are so obnoxious, so fraught with danger to the country that my work in opposing it will be extremely easy in character. After all, what are the principles of the Bill? We have been told that these principles are two. First, the constitution of an Education Board for each district, and, secondly, the levy of an education cess at the rate of 5 pice on the rupee. I shall take these points one after another.

First of all, as regards the new Education Boards which they want to set up, what is their proposed constitution? The constitution is this: It will consist of the District Magistrate, the District Inspector of Schools, the different Subdivisional Officers, three nominated members from the Union Boards of each subdivision, and three members to be elected by the District Board. That is the constitution which Government proposes for the new Education Boards, and I wish to set forth seriatim the various objections which I take to this constitution. In the first place, my ground of complaint is this. Why do you create ad hoc boards at all? What is your object in passing a stigma, an implied vote of censure, upon the District Boards? Has it been found that the District Boards have failed in their duty in this matter? Have they been behind-hand in the spread of primary education? Let us bear two facts in mind in this connection. The District Boards of Bengal have come under non-official control only within the last six years. They have not yet had a sufficient period of time in which to give proof of their efficiency. Then, Sir, another point which is of far more importance is that the District Boards are always labouring under a paucity of funds You have never placed sufficient funds at their disposal, and hence, in spite of their best wishes, they have not been able to further the cause of Primary Education as much as they would have liked to do. Their comparative failure arises, not because

they are lacking in devotion to the cause of education but because the funds placed at their disposal have been wretchedly inadequate. Had you placed in the hands of the District Boards the resources that you are now going to place in the hands of your District Magistrates, I am quite sure that there would have been no cause of complaint on the score of their remissness. The District Boards have been misjudged and a censure has been passed on them in default. If the Government had been bona fide in their desire of promoting self-government and of promoting the spread of education, they would have entrusted the work of administering the proceeds of the new education cess to the District Boards and would not have gone out of their way for the purpose of creating a new machinery altogether.

But let me pass on to my second ground of objection. Granting that ad hoc boards were necessary, let us see what is the constitution of the new bodies. This constitution is altogether official, altogether reactionary, altogether unsuited to the progressive tendencies of the present age; and I wonder how a Minister elected by the people could have possibly fathered such a reactionary Bill. What are these boards? They are nothing but so many pocket-boroughs for your District Magistrates. All the members, practically speaking, are nominees of the District Magistrates. You will see how the thing works out in practice. In an average Bengal district, consisting, say, of two sub-divisions; the total number of members would be 13. Out of these, three will be elected and ten nominated or official. In the bigger districts, the proportion will be still more inequitable. In districts like Midnapore and Mymensingh, consisting of five sub-divisions each, the total number of members will be 25. Out of this three will be elected and 22 nominated and official. Mark how beautifully the thing works. In an unprogressive and unimportant district like Bogra the total number will be 9, of which 3 will be elected; or, in other words, the proportion of elected members will be one-third. But in a large, progressive and important district like Mymensingh the proportion of elected members will be one-eighth. That is, indeed, beautiful and striking illustration of the way in which such things are managed by the Government. The larger, the more advanced and important the district is in point of education the more you will be thrusting upon it a large horde of nominated members. (Cries of shame! Shame!)

But this is not all. Granting they get their nominated committees, even in these nominated committees they do not place entire confidence. They have so manipulated matters that these committees can be tied by the Divisional Commissioner whenever he likes. Supposing a School Board passes a particular measure and supposing that the measure does not prove acceptable to the Divisional Commissioner, the Commissioner can veto it, can hang it up indefinitely for the constitution is so curious that there is no provision by which this impasse can be avoided.

These then are some of my chief objections to the proposed school boards. First of all, the Government will do an injustice to the District Boards by creating a new and ad hoc machinery: secondly, the new boards will be so largely official in their character that they will be entirely obnoxious to our sentiments. The only justification claimed for the Government seems to be this—that the Government wants to combine in their proposed school boards the largest administrative efficiency with the largest amount of local experience. Administrative efficiency will be supplied by the District Magistrate and his lieutenants and local experience will be supplied by the nominated Union Board members. And here, Sir, I want to enter a word of protest against the fetish of administrative efficiency as embodied in the British District Magistrate. After all, what is the District Magistrate? He is nothing more than an average middle-class Englishman of average education and in no way a superman. This average, middle-class Englishman of average abilities and average education, after a short period of miscellaneous experience, is entrusted with the position of District Magistrate and from that moment, by some magical feat of transformation, Mr. A B or C becomes endowed with all the virtues and all the qualities of administrative efficiency. He knows nothing of the language of his district, he cannot communicate with the people under his charge, he does not know the manners and customs of the people; but all the same, from the moment when he becomes District Magistrate, he is an authoritative exponent of the Government policy in all matters, he is a omniscient and infallible by virtue of his office. There may have been a time, say 100 or 150 years ago, in the early days of British Rule, when the District Magistrate was required to possess at least a reasonable modicum of efficiency. But at present, Mr. President, what are they? For the routine duties of office, they depend upon the Sheristadar of the Collectorate; for their judicial work, they depend upon the senior Deputy Magistrates and for their executive work, they depend upon the miscellaneous horde of senior and junior Deputy Magistrates who always hang at their tail. Then what is it that they specifically do? I believe at present, they preside mostly at the prize-distribution ceremonies of high English schools where, let me hope that they deliver speeches more audible than those which we hear in this Council Chamber.

It is sometimes objected, after all, what does it matter what the constitution of these school boards may be? It is only for nine years —and after that you will get the whole thing in your own hands, you may get all the members elected if you wish. Certainly, it is only for nine years: but I say that nine years is a period long enough to do all the mischief that you like. What is the first mischief that your District Magistrates will do? They will cause books to be written in the dialects of the different districts under the pretence that each

dialect represents a separate language. This is not imaginary moonshine on my part: it is what they have actually done in the past. If Assamese is a separate language to-day, instead of being a dialect of Bengali as it ought to be, we have to thank the European Government officials and European missionaries for that. Again in Orissa, if we have a separate language to-day, instead of a dialect of Bengali as it ought to be, we have to thank Government officials and European missionaries for that. But why should it have been so? It is because they have a purpose to serve by this artificial multiplication of dialects. They want to show that India is a veritable Babel of tongues where no political unity is possible. And in order to make up their case, it is to their interest to create as many separate languages as they possibly can. The second mischief which they will try to do is this: they will try to convert these schools into loyalist-manufacturing machines. But this is a thing which we are not going to stand. We are not going to allow your District Magistrates and your puppet school boards to mould the young idea of the country for nine long years: that is an evil which the members of this House, if they are in possession of their senses, will not allow the Hon'ble Minister to perpetrate.

Sir, I shall now pass on from the question of school boards to the question of the proposed education cess. And here, Sir, at the very outset I want to make my position perfectly clear. I am not opposed to taxation as such—specially to taxation for the spread of education. Nay, the people will submit to taxation gladly and willingly, if they can only be assured that they will get their money's worth. But the question is: "Are they going to get their money's worth?"

Sir, so far as the new education cess is concerned, there are a number of points that I should like to urge. The Government calculation is that the cess should yield one crore of rupees: but may I ask the Hon'ble Minister how he has arrived at this particular figure? What are his data? Has he made any survey of the educational needs of the province? Has he got even an approximate idea of how many schools are required in the province, how are they to be distributed, how are they to be staffed and financed? How is it that he wants first one crore of rupees—nothing more or nothing less? Why not two crores? Why not fifty lakhs?

[At 6-50 p.m. the Council adjourned and it reassembled at 7-5 p.m.]

Babu JITENDRALAL BANNERJEE: Sir, I was dealing with the various objections that might be urged against the proposed educational cess. First of all, I wanted to know the basis of the Hon'ble Minister's calculation. And I again ask why is it necessary to have

only one crore of rupees, and not two crores or fifty lakhs? I want to know the basis of his calculation.

[At this stage the Hon'ble Minister in charge of the Bill entered the Chamber.]

Sir, I would repeat my question to the Hon'ble Minister. What is the basis of calculation? I thought that he would give us his reasons —his figures and data. But unfortunately he has done nothing of the sort. Sir, it would seem that the Hon'ble Minister is insufficiently aware of his responsibilities in this connection. He has been playing with this House in an important matter like this. He comes to us and says: "Give me a crore of rupees"—as if it were a mere trifle or bagatelle. But what does he want this money for? To play with it or to give it as a plaything to the District Magistrates of Bengal?

But apart from the basis of calculation, there is another point to which I should like to draw your attention. Why do you levy your cess upon the agricultural population alone? Why don't you tap other sources of revenue? Sir, I shall not refer in this connection to the old complaints about the Financial Settlement. Those complaints are true and they subsist; but I shall not refer to them to-day, nor to the old and stale complaints about the jute duty. I shall not refer even to the Government's own past delinquencies in the matter—delinquencies which were acknowledged only recently by the head of the Government himself, I mean His Excellency the Governor. Only the other day, His Excellency the Governor confessed something which, I think, no other memeber of the Government would have the courage to confess. He confessed that while the percentage of expenditure on primary education to the total revenue of the province was 5 or 6 in Madras and Bombay, here in Bengal the percentage was the paltry and miserable figure of 1 per cent. That, coming from the head of this province, was a remarkable admission. But I do not like to dilate on that. My complaint is: Why don't you tap other sources of revenue? I know my remarks will not be palatable to you. But even at the risk of incurring your displeasure I must say that for the last 150 years—ever since 1793—Government, by a curious sort of self-denying ordinance, has been giving up a revenue of about 10 crores of rupees every year. This self-denying ordinance is perhaps very flattering to their self-complacence, but it reacts most injuriously upon the people. In 1793, the Government appointed a new order of gomasthas, farmers and collectors of revenue, whom they called the zamindars of the country. And I should ask you to consider the remarkable generosity with which Government rewarded these farmers of revenue at other people's expense. For collecting a revenue of 16 crores of rupees they have been paying their gomasthas an annual sum of 13 crores of rupees, reserving to themselves a profit of only 3 crores of rupees—that is one-fifth or 20 per cent. of the total revenue to meet the various and

growing needs of the people of the country. That is a matter for which the Government will be called to reckoning some day or other.....

There is another point in this connection to which I should like to draw the attention of the Council. In the proposed cess, 4 pice out of every five are going to be levied from the poor tenants, and one pice from the zamindars. Could any proportion be more iniquitous than this? And will the Hon'ble Minister assure us that this proportion will be revised if the Bill goes to the Select Committee? If he can give us an assurance to that effect, we might reconsider the question of circulation, and not otherwise.

Sir, it is not even a question of 4 pice or 5 pice: something more fundamental is involved in this matter. You are going to tax the people of this country to the tune of one crore of rupees, but will the people have any hand over the expenditure of that sum? Why, not at all? The chief object of all political advancement is that the revenue and expenditure of a country should come more and more under popular control; and yet here we find the reverse of this process in operation. You are going to raise new revenue to the extent of one crore of rupees, and you are going to place it wholly at the disposal of the District Magistrates of Bengal. The people will have no control over its expenditure: the whole thing will be managed or mismanaged, as the twenty-six District Magistrates may choose to do.

But apart from these few vital and fundamental considerations, there is another glaring defect in the Bill. Throughout the Bill, from first to last, there is not one word about education—how instruction is to be imparted, how the curriculum is to be drawn up, and who are to be the final authorities for settling these points. Not one word about these all-important considerations. Here is an education Bill introduced by the Hon'ble Minister for education, which is discreetly silent on the vital question of education itself. It is a Bill, not for the purpose of spreading education but for raising funds and administering the same by the agency of Government officials. That is what it is, and the sooner you admit it, the better for us all.

Some of my Muhammadan friends are so enamoured of the very name of education that they would send the Bill forthwith to the Select Committee in the pious hope the Select Committee will be able to effect some magical transmutation in the structure and provisions of the Bill. Sir, I should like to remind my friends, Khan Bahadur Azizul Haque and Mr. Abul Kasem, that I too am a humble educationalist and that I am not exactly the type of man who would be an enemy of the spread of knowledge and education. But I should like to put one question point-blank to my friends. Education of the Government brand—with the tall-mark of servility stamped upon it—magistrate-made education—is that the kind of education with which they would

be satisfied? If so, I differ fundamentally from them, and would rather have no education at all than education which tends to perpetuate our slavery: The mere name of education will not do. You must see that the education you are going to get is worth having.

Sir, I should like even now to make an offer to the Hon'ble Minister. Our objection does not go to the roots of the Bill; we have no inveterate hostility to the objects of the Bill. We want a properly constructed and well thought-out measure: and if the Hon'ble Minister would give us an assurance that in the Select Committee the Bill might be changed lock, stock, and barrel, that we might change the constitution of the school boards, that we might change the basis and incidence of taxation and that we might consider the question of establishing a central board which would co-ordinate the activities of the various district boards—in that case and that case alone we might reconsider our unwillingness to refer the Bill to a Select Committee. Not otherwise.

Mr. P. N. GUHA: Sir, I do not want to deliver a speech at this late hour of the day, but what I want is to get some assurance from the Government side, or from the President, if necessary. There is a particular question which is agitating our minds at the moment. We find that the object of the Bill is to provide a central authority for each district to control primary education, to raise the funds necessary to go a long way—if not the whole way—towards universal primary education, and to provide for compulsory attendance at schools. What we want to know is that if the Bill be sent to the Select Committee, shall we be in a position to revise the system of education that has been proposed, or the system of Board that is going to be created? If we can get a satisfactory answer from the Government on this question, we would know where we stand. If the Bill goes to the Select Committee, shall we be in a position to alter the Bill in such a way as to do away with the education cess, or to do away with the Board that is proposed to be created, or to alter it in other ways? If we are allowed to do that, we may know where we stand.

7-15 p.m.

Mr. PRESIDENT: If I were to treat this as a point of order I am afraid it is very difficult for the President to decide this, because I find that the words in the Preamble to the Bill are elastic, and it is very difficult to draw any definite meaning out of them. I should therefore like to treat it as a question put to the Hon'ble Minister. Although I am reluctant to admit any question at this stage, I am inclined to make a special case of it as I do believe that if the question is properly answered it will be helpful to the debate. If the Hon'ble Minister so wishes he may answer the question fully.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I am prepared to make a statement on this matter, but I will do so in the course of to-morrow after I have discussed it with my advisers.

Mr. JOGESH CHANDRA GUPTA: May I rise on a point of order? When Babu Jitendralal Bannerjee put a question to the Hon'ble Minister he was turning his head like this (indicates). May I know whether it was a denial or approval?

Mr. PRESIDENT: How can you expect the President to see whether anybody moves his head or not. (Laughter.)

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 10th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 10th August, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 112 nominated and elected members.

GOVERNMENT BILL.

The Bengal (Rural) Primary Education Bill, 1928.

The discussion on the Bengal (Rural) Primary Education Bill, 1928, was then resumed.

Mr. J. M. SEN GUPTA: I think it is necessary for me to say in this House that we as a party have always insisted on a system of compulsory and free primary education being introduced into this province. For the Congress men there is no question that they would welcome any sincere step on the part of Government to introduce compulsory and free primary education in this country and we welcome, if there is a sincere attempt in this Bill, the action of the Government in introducing it in this Council; but we are afraid, as has been already pointed out by Mr. J. L. Bannerjee, that there are provisions in this Bill which give an indication that as a matter of fact, although the Bill has been advertised as a measure which will give ultimately, if not immediately, free and compulsory education to the children of Bengal yet the provisions of the Bill, as they are drafted and presented to us to-day, show that the intention is not that. The very first sentence of the Preamble says this: "Whereas it is expedient to make better provision for primary education in rural areas in Bengal." I would like to know if the intention of the mover of this resolution for a consideration of this Bill by the House, was that primary education should be free and compulsory; and if that was the object with which he introduced this Bill, then may I know why did not he instead of "Whereas it is expedient to make better provision for primary education in rural areas in Bengal" use the words "Whereas it is expedient to make primary education free and compulsory in rural areas in Bengal." I would have liked him to state very clearly in the

very first sentence of the Preamble that the object of the Bill is to make primary education free and compulsory. These words do not occur there, but I am not going to oppose this Bill simply because those words are not there provided the Hon'ble Minister, who is in charge of this Bill, would assure us that opportunities would be given in the Select Committee to make proposals so that the provisions in the Bill to which we take objection may be changed. At any rate whether he agrees with us or not he should give us facilities for raising discussion on the different sections in the Bill. It is no use for the Hon'ble Minister to say in reply to my query that "Oh! that is outside the scope of the Bill." I shall show that the assurances that I am asking from him, are assurances which he can give and which are completely within the scope of the Bill. What does the Bill say? What are the objects of the Bill? In the Statement of Objects and Reasons it is clearly stated that you want to provide a central authority for each district to control primary education. I want to know if this central authority of each district can or cannot be changed. In the Bill you have made a provision that there should be a majority of nominated members. Can the Hon'ble Minister say that you cannot in the Select Committee alter the majority of nominated members into a minority and give a majority to elected non-official members? It would be preposterous to suggest that in the Select Committee you cannot change the constitution of the Board in each district. I would like to have an assurance from him because, I understand, he would be the Chairman of the Select Committee, I would like to know what attitude he would take if we propose amendments in the Select Committee.

Secondly, I would like to have assurances from the Hon'ble Minister on the question whether or not we can move amendments to section 17 of the Act which says that the Commissioner of the Division shall have certain powers over the Boards within his division. Supposing a member of the Select Committee wants that the powers which are given in this proposed Bill under section 17 to the Commissioner of the Division should be given to a Board in which the non-official elected members are in a majority, what objection, legal or otherwise, can the Hon'ble Minister have to the formation of a Board to take the place of the Commissioner of the Division in whom certain powers are given to control the District Education Boards proposed in this Bill? These are the first two of the questions that I have to raise.

Then, Sir, so far as the taxation provision is concerned, can it be said by anyone in this House to-day (we are versed or supposed to be versed in the parliamentary practices and rules) that because in a proposed Bill there is a provision that the tax should be raised in such and such a way, in the Select Committee a member cannot propose that that provision should be deleted or in its place some other source

of revenue should be tapped or some way should be provided in the Act for the purpose of raising the requisite amount of money. I do not understand, when I am told by some of the members of this House, that it would be difficult within the scope of this Bill to change the sources from which the money should be raised for the purpose of carrying out the provision of this Bill. Therefore the assurances, the replies that I want from the Hon'ble Minister are on these points. First of all is he agreeable to the proposal that the members of the Select Committee should have a right to raise discussion and make amendments to the constitution of the Boards? Does he agree that they have a right to move amendments for the creation of a central board? Does he agree also to the creation of such a central board as would be able to control the primary education policy in the whole province of Bengal?

We find in another section that reports are to be sent to the Director of Public Instruction. Can he say that there is any legal bar or any question of ruling by the Chair if anyone proposes that instead of the Director of Public Instruction it should be a board created under the Act? I cannot understand how can anyone, who is versed in the ordinary practice of legislatures, raise an objection of this character and say because the words "central board" do not appear anywhere in the Act, therefore you cannot use them in place of some other body or name which the Bill provides for exercising certain powers. Therefore I would like to have this question answered. Last of all I would like to know, if there is going to be a Select Committee, if there should be a clear majority of elected members of this House in that Select Committee. The Hon'ble Minister has given us to understand that there would be only 16 members and that we cannot raise the number to a bigger one. I wish he could and I wish he would do so now, and change his mind so that it would be possible for the different groups in this House to have proper representation on that Select Committee. If the number should be 16 I have suggested that from the Congress Party including Mr. Naliniranjan Sarker, whose name is already there, there should be five more and I suggest that there should be certain other members added from the two or three Muslim groups in this Council. In that way the Hon'ble Minister could avoid the difficulty of any section of the house or any groups in the House opposing this Bill at all.

There is one aspect of the question to which I would like to refer in my final words. The test of efficiency of a Government which have been carrying on the administration of a country since 1857 is whether or not, they have been able to make the people happy, contented, healthy and literate. Try to find out by this test, whether or not this Government have succeeded in administering the country properly, and you cannot get away from the fact that on the question of happiness, health,

contentment and literacy the Government have entirely failed. Therefore, Sir, I would say if this Bill is really a bill brought forward with a bona fide purpose, and not for the purpose of snatching away the few powers that the present District Boards have with regard to the primary education, that there cannot be any objection which the Hon'ble Minister and the Government in which he sits can validly urge and I see no reason why he should not agree to the proposals that I have made. I pause for an answer.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): In reply to a question from the Chair yesterday, I promised to make a statement to-day regarding the scope of the Select Committee in dealing with two of the main features of the Bill. The view of Government is that if the Council agree to the motion that the Bill be referred to a Select Committee, then the Council will have agreed to the principles that there should be in each district a District School Board to control primary education, and that a primary education cess shall be levied for the purpose of meeting an appreciable part of the cost.

In the opinion of Government it will be open to the Select Committee to consider the composition of District School Boards and the details of taxation and other matters not inconsistent with the principles I have just stated.

Government will of course retain their right to determine whether the Bill, when it emerges from the Select Committee, is such that Government can proceed with it.

Dr. BIDHAN CHANDRA ROY: At this point may I ask a question for information?

Mr. PRESIDENT: The Hon'ble Minister has not finished.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: My friend will probably want to know what we mean by education cess. I am not prepared to say that education cess only means cess on land. (Hear, hear!) As the Government have said it will be within the competence of the Select Committee to discuss the details of taxation. I think the assurance given in reply to questions will now satisfy the House.

Then as regards the point that has been raised by my friend Mr. Sen Gupta about the Commissioner being in charge of primary education, I would like to inform him that the intention of Government is that these school boards will operate for 9 years and at the end of 9 years the whole thing may be delivered to the District Boards as has been done in England.

Mr. G. N. ROY: May be delivered!

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I am not sure but that will probably be the thing. In order to work the Act the Commissioner of the Division has been given certain powers as under the Local Self-Government Act, he has got the power of vetoing and sometimes sending back resolutions to the District Boards for reconsideration. So that is the law which will ultimately govern the primary education—and how then can you deprive the Commissioner of the Division of his power. You all want that some time afterwards primary education should be in the hands of the District Boards. If you want this, how can you object to the section giving powers to Commissioner. The section that you have referred to is practically a verbatim copy of a section of the Local Self-Government Act. Whatever power the Commissioner has under that Act has been given to him under this Act as well, so that after some years when the District Board takes control.....

Mr. BIJOY PRASAD SINGH ROY: The members on this side of the House have also got the right to hear the Hon'ble Minister, but he is always looking to the other side.

Rai HARENDRANATH CHAUDHURI: You can come over to this side.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I can only look to the Chair in that case.

The Commissioner of the Division cannot be deprived of the power of control over primary education as the Commissioner has control over all the activities of the District Board. When the Commissioner is deprived of his power of control over the District Boards, I shall have no objection to deprive him of the power of control over the primary education boards.

Dr. BIDHAN CHANDRA ROY: Is it a fact that the Commissioner has got control over District Boards?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Further, this is a matter which can be discussed in the Select Committee; and I can assure my friends this much that whatever questions they want to discuss, whether they are legal or illegal, I will give them every facility of talking and I will see that all their opinions are recorded and considered by Government as a whole.

Babu NALINIRANJAN SARKER: And not by the Council?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I will see that Government as a whole bring back the altered Bill before the House. (A VOICE: Will the Hon'ble Minister have any voice in this matter?) Of course he will have. Being a Minister he will naturally have his voice.

I will not shut out any discussion which my friends will like to make in the Select Committee. My friend Mr. Sen Gupta wanted that assurance, and I give him this assurance that I will give him every facility of discussing the matters, whether legal or illegal, I won't mind, and that I will not shut out any discussion. Of course, if it is illegal he will be out of order and it is for him to decide whether or not he will press it; but personally speaking I will have every respect for the opinions of the members of the Select Committee and I will see that the Select Committee does its work in a healthy and proper way. With this assurance from me I believe my friend Mr. Sen Gupta will advise his party to withdraw the amendment that has been moved for circulating the Bill for eliciting opinion.

Mr. PRESIDENT: I would like to make one correction in that statement of yours, Nawab Sahib. At the beginning you said that you were making a statement "in reply to a question put from the Chair" but I put no question to you, Mr. Guha did.

Babu JITENDRALAL BANNERJEE: Before the Business proceeds any further I beg to submit a point for your consideration. My leader, Mr. Sen Gupta, has asked for certain assurances from the Hon'ble Minister and the assurances that have been given cannot be said to be very definite. I beg to submit that as President of the Council it is for you to give the required assurances. The Select Committee to be appointed will be a select committee of the House and you as President are the proper and most competent authority to give any directions to the Select Committee such as may be required. You as President of the Legislative Council may give directions to the following effect, namely, that we shall be in order in moving amendments on the constitution of the District School Boards, basis, incidence and proportion of taxation as also the constitution of the central board in co-ordinating the activities of the District School Boards. If you give assurances to that effect then it will be sufficient for us.

Mr. PRESIDENT: You are quite right, Mr. Bannerjee. I may say that since the Bill provides for a machinery, the Select Committee ought to be competent to revise that machinery according to the light in them. The Select Committee will also be competent to alter the taxation proposals but such changes may require previous sanction under 80C or 80A before being presented to the Council.

Babu AKHIL CHANDRA DATTA: We are thankful to the Hon'ble Minister for the assurances given, but allow me, Sir, if I want to make those assurances a little more clear. The Hon'ble Minister has said that he will not shut out any discussion and that he will give facilities for discussion of matters legal or illegal. There may be some screw loose and some loop hole somewhere. It is enough that these facilities will be given to us for discussion, but what is important is that votes must be recorded on those matters and a decision arrived at on the majority of votes.

Mr. PRESIDENT: You are referring to a committee of which I shall not be the Chairman. The Hon'ble Minister will be all powerful there. I can say this much that if I were the Chairman of that committee I would not allow any member to bring forward any proposal which was illegal.

Babu AKHIL CHANDRA DATTA: That is precisely the reason why the Hon'ble Minister said legally or illegally that votes should be taken on a matter of doubt, and therefore it is not clear whether he will give facility for discussion and if the discussion will be formal, the result of the discussion will be governed by votes taken.

Mr. PRESIDENT: As a matter of course, Mr. Datta. When the Select Committee is constituted all matters which it is competent to discuss will have to be decided by the majority of votes of members present.

Maulvi ABUL KASEM: I do not know the practice as to who presides over the Select Committee meetings here, but the parliamentary practice is that one of the gentlemen who selected to form the Panel of Chairmen should preside over the meetings of the Select Committee.

Mr. PRESIDENT: I do not think it is the practice here. The rule here is that the Member in charge of the Department to which the Bill relates is ordinarily the Chairman of the Committee.

Maulvi ABDUL KARIM: The Bengal (Rural) Primary Education Bill, as it stands at present, is open to much justifiable criticism. Unless its objectionable features are removed, the object for which it has been introduced will not be attained. Before referring to these, I would draw the attention of the hon'ble members to the prevailing system of primary education. I think it would be unwise to make primary education compulsory until the system is so revised as to make it really useful to the masses. I doubt if the Hon'ble Minister in charge of the Bill is aware that the prevailing system, which has been in

operation for about half a century, has not improved either the knowledge or the condition especially of the rural population; it has not made the cultivators better cultivators, nor the artisans more efficient artisans. On the contrary, it has proved detrimental to their interest inasmuch as it has created in them a distaste for manual labour and for their hereditary callings and mode of living. They do not care to improve agriculture or handicrafts anxious as they are to follow occupations of an unproductive nature as done by the middle class people. They hate to earn their livelihood by manual labour and know nothing else by which they can make an honest living. They are thus not only unemployed but also unemployable, and they accelerate rather than retard the decadence of indigenous arts and help to aggravate the economic difficulty prevailing in the country.

These are some of the reasons why our primary schools have not proved as popular as they should have been. On one occasion, in the course of my inspection tours in Eastern Bengal, I found the condition of a school unsatisfactory. I sent for the leading men of the locality and urged upon them the necessity of improving it. While I was speaking to the people assembled, a man in the back-row whispered to another that he would offer "Hari-loot" on the day the school would cease to exist. From such instances it may be inferred that the system is not popular with those for whom it is primarily intended.

In this country illiteracy is not always synonymous with ignorance. Our masses, though illiterate, possess the requisite knowledge of affairs pertaining to the sphere of life and they are perhaps morally and spiritually more advanced than the masses in other countries. "The Indian peasant," writes Sir T. W. Holderness, "though illiterate, is not without knowledge. He is full of lore about crops, soils, birds and beasts." "The raiyats of India," observes Sir H. J. S. Cotton, "possess an amount of knowledge and practical skill within their own humble sphere which no expert scientist can ever hope to acquire." Thus it is not so much to remove ignorance and to "cure" crime that education is necessary for the masses as to give them instruction in the Three R's.

The next thing to be considered in this connection is the cost of education. In old India there were schools all over the country. These were held in the outhouses of well-to-do residents of the localities. Boys squatted on the bare floor or on mats, they began the course of instruction by tracing the alphabet with the finger, and later on with a short stick on sand spread on the floor. Then they wrote on the palm leaf with a reed pen and with ink made of charcoal, and afterwards they wrote on the plantain leaves with ink made of lamp black. In the last stage of this limited course of instruction children wrote on paper with lamp-black ink. Thus the village boys learned reading, writing and arithmetic without incurring much expense for text books, paper, pen, ink and slates. This is how the education of some of the greatest men

of our country began. The indigenous and inexpensive education thus given was best suited to the social and economic condition of the people. Its replacement by an exotic system, which insists on reading more than thinking, prefers book education to nature-study, fosters an artificial taste for unnecessary things and costs much more than what poor people can afford to bear, has made education unpopular with the masses. I need hardly say that it is undesirable that people should be compelled to give their children an education that they do not like. The prevailing system, therefore, requires overhauling before primary education is made compulsory.

Attempts were made from time to time to devise a suitable scheme of instruction. The latest action in this respect was the revision of the syllabus of course of studies by Mr. Biss. If my information is correct, this has not produced the desired result. There has not been a sufficient demand for schools under this scheme and those that have adopted it are not as popular as they were expected to be.

It has to be borne in mind that the most important factor in any scheme of education is the teacher. It cannot be denied that untrained and unwilling teachers in our educational institutions have greatly retarded the progress of education. Nothing should be left undone to improve the capacity of the teacher by necessary training and to better his prospects by adequate remuneration. The educative value of a well-housed, well-furnished and well-equipped school can hardly be over-estimated. But if the right instruction is imparted it does not matter much whether boys squat under a pipul tree or sit in a marble hall. If the form of education is nationalised harmoniously with India's needs and genious, the question of trained teachers will become very important indeed.

Another thing that has to be taken into serious consideration is what effect the operation of the Bill under discussion will produce on the education of Moslem boys. Forty years ago when special officers for Muhammadan Education, of whom I was one, were first appointed, there was a very small number of Moslem boys in recognised schools. This was chiefly due to want of a course of studies suited to the special requirements of the community and to the paucity of Moslim teachers and Moslim Inspecting officers. In the whole province, which then comprised of Bengal, Bihar and Orissa, there was only one Muhammadan Deputy Inspector of Schools in Patna, and in the seven districts of the Dacca and the Chittagong Divisions comprising the Eastern Circle I found only one Muhammadan Sub-Inspector of Schools in Chittagong. I pointed out to the Government that the only satisfactory solution of the problem of Muslim education in Bengal was a combination of the secular education given in Patsalas and religious education imparted in Maktabs. For, in the case of Muslim children, the teaching of the

mosque has invariably to precede the lessons of the schools. My proposals for the reorganisation of the Maktabs were approved by Sir Alfred Croft, the then Director of Public Instruction, and necessary steps were taken in the matter. The result was a large increase in the number of Muslim students in the primary stage of instruction. Later on Middle Madrasas were established to which the Maktabs serve as feeders. I understand some inexperienced educational officers unacquainted with the real needs and requirements of the community have been condemning these institutions. Little do they know what disastrous effect the abolition of these special institutions will produce on the progress of education of the Mussalmans in Bengal. It is not merely theological education but also education in their past culture and traditions which the Mussalmans care for. If the existing arrangement for this kind of education is interfered with by the introduction of compulsory primary education, as is likely to be done, the community will have to enter a vigorous protest.

Two of the most objectionable features of the Bill to which I pointed attention was drawn by Mr. Bannerjee yesterday and by Mr. Sen Gupta to-day are inequitable imposition of a special cess and unnecessary officialisation of the school board. As observed by His Excellency the Governor, the Government contribution for primary education in Bengal is much less than those of other provinces for this purpose. Besides the proportion fixed in the Bill for landlords and tenants is most unjustifiable. As regards the school board it is most desirable that there should be a larger and more effective representation of the popular element on it than what has been provided in the Bill.

It should be considered if primary education should not first be made free before it is made compulsory as has been done in the neighbouring province of Assam. In the Punjab, if my information is correct, primary education has been made compulsory as an experimental measure only in a few selected localities.

I am glad that the Minister in charge of the Bill has given some sort of assurance that the defects and drawbacks in the Bill which have been pointed out will be seriously and carefully considered by the Select Committee. But what I should like to point out is that unless that Committee is so constituted as to command confidence, I am afraid the Bill will have to be opposed.

3-45 p.m.

Mr. A. K. FAZL-UL HUQ: May I rise to a point of order, Sir? I notice that when Maulvi Abdul Karim was addressing the House a Secretary to Government, Mr. Dash, was having a close conference with the leaders of the Swaraj Party. I submit, Sir, that when a member is addressing the House no other business ought to be allowed to be conducted.

Mr. PRESIDENT: Mr. Fazl-ul Huq, you have no right to infer that Mr. Dash was having a conference with the Swaraj Party; at least I am not aware of it.

Mr. P. N. GUHA: The reply to the question I put yesterday to the Hon'ble Minister is not altogether satisfactory. It has not satisfied all the points that I raised. But, Sir, so far as I can see, the sense of the House is that the Bill should be sent to the Select Committee. What I feel in this connection is that the Bill as has been drafted, will probably have to be changed from top to bottom. From the papers that have been circulated to us I find that the opinion of almost 90 per cent. of local bodies and associations is against the present shape of the Bill. Some one is against taxation, some one against District Boards. On the whole, the papers show that the Bill has not been received well in the country. I wish that after receiving these opinions, the Government could see their way to redraft the whole Bill and present it in such a shape as would avoid controversies. They have not thought fit to do so, and have presented the Bill which was drafted at least about two years ago. Mr. Bannerjee and Mr. Sen Gupta have taken exception to the provision of the control of the Divisional Commissioner, but the Hon'ble Minister thinks that power cannot but be given to the Commissioner. We all know, Sir, that the Commissioner is the only power without which no bureaucratic curry can be cooked. There is nothing under the administration of the Government which cannot be done by the Commissioner, who is in these days considered an unnecessary official. The old members of this House may be pleased to remember that it was Mr. S. R. Das, the present Law Member of the Government of India, who brought in a resolution for urging the abolition of the posts of Divisional Commissioners. Well, Sir, the Hon'ble Minister has said that the Commissioner has got many powers under the Local Self-Government Act, which was passed in 1884 or 1886. He has conveniently forgotten his own presence in the Cabinet, he has forgotten that education has been made a transferred subject and it has been placed under the control of the representative of the people and not under the control of the Divisional Commissioner or the District Magistrate.

What I submit, Sir, is that the members of the Select Committee, whoever they may be, shall have to redraft the whole Bill or it is almost sure to be rejected when it comes up again before the Council. One particular point about which the Bill is silent is the kind of education which is to be imparted to our children. The local Government has taken powers to frame rules as to the sort of education which is to be given to the children of Bengal. Surely, it is Director of Public Instruction who will frame the rules and the funniest part of the whole thing is that the sort of education that my boy should get will have to be judged by Mr. Stapleton. Surely that is the penalty to be paid by

a subject race. The other day I raised my voice of protest against the system of education that is being imparted to our girls. I clearly see that the system of education that is contemplated by this Bill will again be such as will probably be sufficient to kill the children of the province by over-burdening their brains and severely taxing their energies. I think the members of the Select Committee would do well to state clearly the sort of education that our boys should receive. We want our boys to get such education as would suit the requirements of our own society and country and not the sort of education that the Director of Public Instruction may think that our children should receive. Our requirements are quite different from the requirements of the Europeans and I would like that fact to be taken into the serious consideration of the Committee. The power of the Divisional Commissioner shall have to go, so much power proposed to be given to the District Magistrate shall have to go, and over and above everything the taxation point shall have to be dealt with very carefully. The Hon'ble Minister says that by sending the Bill to the Select Committee the Council agrees to the educational cess. I do not know if that is the true reading of the situation. I do not think that Government has any right to say that we must pay an educational cess even if we can point out sources from which the necessary fund may be had. My own view was to support Mr. J. L. Bannerjee's motion which, if carried, would shelve the Bill for at least a couple of years. I have said this on innumerable occasions that if the compulsory primary education could have waited for 150 years of the British Rule, it can afford to wait for a couple of years more. I am not one of those who believe that the Simon Commission has come only to bluff us. I believe that it has come to give us something substantial, and I have reasons to hope that as the result of the deliberations of the Simon Commission the financial position of the province will be much better. I think that the people who are already over-taxed should not be taxed any further. The Bill says that its provisions cannot be operative except after two years. We could have easily waited for that period, and that was the reason why I wanted to support the motion of Mr. J. L. Bannerjee. However, as every party has agreed to send the Bill to the Select Committee, I only want to make it clear that we are very strongly opposed to the principle of taxation and to any power being given to the Divisional Commissioner and the District Magistrate. It is preposterous to think that the District Magistrate, the District Inspector of Schools and the Subdivisional Officers in charge of subdivisions all will be ex-officio members of the Education Board. What business has the Subdivisional Officer to do on the Board if the District Magistrate is there? Further, the District Magistrate will be empowered to nominate three members from each subdivision of the district. Sir, your own district has got a good number of subdivisions and the District Magistrate will have 15 to 18 men of his own choice at his elbow against the three

elected members from the District Board. Will not the Education Board of the district be under the thumb of the District Magistrate? I rather prefer not to have any education for our children than to give the whole control to a class of people who do not know our needs. I believe the duties of the Select Committee will be very heavy, for they will have to recast the Bill throughout. I would prefer to send the Bill to circulation, but as all parties have agreed to thrash the Bill in the Committee, I give my consent with the hope that all objectionable features of the Bill will be removed by those whom we may elect to-day.

Babu SURENDRA NATH RAY: Sir, I do not like to give a silent vote on this important subject. It is most unfortunate that whereas the people of all shades of opinion were asking for bread for a number of years have got stone in return. If there is one subject which more than another ought to have evoked enthusiasm throughout the length and breadth of the country, it is primary education; but unfortunately the present Bill has been framed in such a way that far from evoking any enthusiasm in the country, the contrary has been the case. I can assure the Government that there will be discontent throughout the length and breadth of the country, if the Bill is passed as it is. The poor people, the peasants, do not care much about the reforms—as to whether they are allowed to vote in elections, whether it be Council election or District Board election or municipal election; but they will feel, and keenly feel, the pinch of the payment of four pice which it is proposed to be levied upon them by the proposed Bill. Pardon me for saying so. There is unfortunately no redeeming feature in the Bill —whether it is the imposition of the education cess or the establishment of the controlling authority.

I should like to know if anyone has given his support, whether it be wholehearted or half-hearted, to this Bill.

I am sorry Mr. Lindsay is not here to-day. My Primary Education Bill was before the country in 1919; it touched the municipalities and the cost was not very large. Mr. Lindsay, as a District Officer, gave it as his opinion that the cost would be prohibitive. The people of this country are generally very poor, they cannot make their two ends meet, they literally live from hand to mouth, and if an extra cess of 4 pice is imposed I think it will break the camel's back.

When in 1919 my Primary Education Bill was passed some of the municipalities took up the cause of primary education and I need hardly say that primary education has been making fair progress there. In my own municipality there are three schools for girls and three for boys and with the aid of Government they are doing fairly well. Sir Provash Chunder Mitter, as Education Minister, appointed a special officer, Mr. Biss, to act in concert with the municipal authorities and the result has been that many schools have been established with Government aid.

4 p.m.

When immediately after the Reforms three taxation Bills were passed by this Council, we were told that a good portion of the amount would be spent in expenditure on nation-building departments, and primary education comes under the nation-building departments. Has that been done? Whereas similar Bills, which were passed by the Punjab Government, have, I think, been repealed, those in Bengal are flourishing and very little has been spent on those departments. The additional revenue from other departments—there has been additional income of about 14 lakhs of rupees per annum, from Registration department alone, and this I presume, is being spent in the administration of the country. There has been no sincere attempt to foster primary education or to give an impetus to the nation-building departments. It is expected that the Government will get some money if the Meston Settlement is unsettled. When we could afford to wait for so many years, we can very well afford to wait for another two or three years. It will then, perhaps, be necessary for us to see how far Bengal will be benefited by the Simon Commission, and then the Government can shape its policy so far as primary education is concerned. With the money to be obtained by the unsettlement of the Meston Award, we shall be able to utilise some portion of it for primary education. Let this Bill be not passed hurriedly. If once the cess is imposed, any amount which might be obtained by the unsettlement of the Meston Award will be spent on the general administration of the country, and then there will be no hope of repealing the cess.

Mr. W. C. WORDSWORTH: Mr. President, a few days ago we referred to Select Committee certain educational Bills, a course to which Government objected because of certain principles in the Bills. To-day Government wishes to refer a very important education Bill to a Select Committee, and I understand that there is some reluctance opposite to support Government in this course. I am told, however, that that reluctance is now disappearing and will disappear if a larger and more representative Select Committee can be agreed to. I hope that it will be agreed to. In England, a Bill of this importance would be dealt with in committee by the whole of the House of Commons; and I can remember certain educational Bills which were dealt with in committee, so to speak, by almost the whole of the British public. The more we can get the members of this House to give their attention to this matter, to give their time and consideration to the problems before us, the better will it be for this Council and for this province. For ourselves, too, those of us, who are to be members of the Select Committee, the more the better within limits. There will be more shoulders to share the burden, and more often a quorum. The Bill obviously is vulnerable, or at least is open to attack. It has been attacked strongly, particularly for two reasons.

One is the constitution of the committees that are going to be appointed to bring the Bill into operation; the other is the taxation. Even the European members were struck by the circumstance that while Education had become transferred; i.e., a non-official subject, and while the District Boards were now under non-official Chairmen, these committees would be very largely official. (Hear, hear!) But we do see the force of the argument that to bring in such a change, to bring in a measure of such magnitude as this, we must have some special machinery for a time. On this matter, the arguments for and against will be dealt with in the Select Committee. Then there is the great question of taxation. Mr. Guha told us that he objected to the principle of taxation. That is, I think, the most cautious remark that I have ever heard. Every other man that I have met objects to taxation in itself, not merely as a matter of principle. Compulsory education or universal or quasi-universal primary education will be a very great innovation. Innovations of this magnitude cannot be brought in without some one to pay for it. Taxation must be an important part of our work. It is said of the Englishman that he pays his taxes in sorrow and his rates in anger. I can imagine that everyone called on to contribute out of his income for this new charge will feel both sorrow and anger at first, but that sorrow and anger will be got over, and the sooner they are got over the better. Compulsion will not solve all the difficulties. We admit that something more must be done than is being done. The voluntary system of primary education has, I think, done all that it can. I do not wish to inflict figures and details upon the House, but we all remember that Lord Curzon and his Government interested themselves very greatly in this matter. Every attempt was made to stimulate the development of primary education, and at the end of the first five years of work there was a very remarkable increase both in the number of institutions and in the number of boys at school. The work continued. Mr. Gokhale, ever to be remembered with gratitude, brought in his Primary Education Bill. His Majesty the King-Emperor made a notable pronouncement on the subject. People worked harder than ever, and at the end of the next five years there was a great and remarkable increase in the number of institutions, but a remarkable decrease in the number of pupils; not absolutely but relatively to the number of institutions, so that there were more primary schools for much fewer pupils per head. The inference is clear. All the children who would come to these institutions voluntarily were now in school. Pressure was being applied, and once we come to the stage in which pressure is applied under a voluntary system, we come to the stage in which the costs steadily increase, because teachers are employed for boys who do not come to school, and because teachers are necessary for small higher classes in which the pupils are two or three in number. What is called for, as we have seen, is some

system, some organisation, which will produce order out of the chaos we have at present. This has been tried in a small way in some parts of India, and the experience has been largely disappointing. We have been told of excellent results that have been achieved in some small States—one in particular has always been held up to us as a model of what things should be. But if you look carefully into the records, you will find that in many schools there they have two sets of registers —one for the boys who go to school and the other for the *compulsory* boys who do not attend school. Difficulties of this sort we may meet with, but it is time that we do try to come to grips with this great problem. And I trust that we shall agree to refer this Bill to the Select Committee—as large a Select Committee as will be representative of all interests in the House. It may be that in the Select Committee we shall fail to find means of reconciling opinion on the many controversial points, but at least we can sit down and exchange our views in a way which is not possible here. The work that the Select Committee takes upon itself will be very arduous: I imagine it will be very long continued. Mr. Jitendralal Bannerjee said yesterday that he wished to circulate this Bill as a measure of quasi-postponement. We shall not, I imagine, get this measure through the Select Committee very quickly, but at least let us accept the Select Committee first, and so show the people of this province that we do wish to face this great problem.

Raja BHUPENDRA NARAYAN SINGHA Bahadur, of Nashipur: Mr. President, Sir, I cannot allow an occasion like this to slip past without expressing my humble views together with the views of my fellow zamindars on this important matter. Sir, so far as the object of this Bill is concerned, namely, to impart primary education to the masses, it is a noble one and is welcome. Such a principle is accepted by all classes of people without controversy. The method, however, which is proposed to be adopted for levying the cesses is most objectionable. Sir, it has been done in an arbitrary way without considering all points of view and all circumstances.

In villages there are both agricultural classes and non-agricultural classes. The number of such people as artisans, labourers, school masters, etc., is not insignificant. It has been proposed to levy the cess on the agricultural classes—those who have been paying various rents—leaving aside practically the other classes altogether. The Hon'ble Minister might say in reply that there is a clause in the Bill, viz., clause 26, empowering the District Magistrate to levy cesses on non-agricultural classes. I admit there is; but this provision is a secondary and not a primary consideration. Sir, the agricultural classes are over-taxed: They are paying roads and public works cesses, besides other cesses at the present moment: whereas the other classes of people do not contribute anything towards the district funds,

though they equally enjoy all the benefits. I submit, Sir, that the agricultural classes are at the present moment overburdened with taxes, and the Government are not justified to further tax them.

There is another point on which I should like to say a few words. It has been proposed in the Bill that there should be no limit to the taxation of the agricultural classes, whereas the Government have limited the taxation of other classes to Rs. 200. Sir, I presume the principle underlying this Bill is that only those classes of people who will be benefited by the passing of this Bill will be taxed. If that be so, I cannot understand why the zamindars should be made to bear their portion of the burden. They will not be benefited by this measure either directly or indirectly. Why, then, should they be held liable for taxation also?

The principle laid down is that the other persons who are not to be directly benefited have not been taken into account. If zamindars are to be taxed, other classes, even Government agencies, ought to contribute as well towards the cess. On these grounds I oppose the introduction of cess in the present form.

Babu JITENDRALAL BANNERJEE: In view of the reassuring statements about the scope of the Select Committee's activities which have been made by yourself and by the Hon'ble Minister and in view of the various amendments in the constitution of the Select Committee which the Hon'ble Minister is not going to oppose and which in any case we are going to get passed, I beg leave with your permission to withdraw my amendment.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th of November, 1928, was then, by leave of the Council, withdrawn.

Babu BEJOY KRISHNA BOSE: I beg to move by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name of "Babu Naliniranjan Sarker" the following names be inserted, namely:—

"Dr. Pramathanath Banerjea,

Mr. S. C. Bose,

Dr. Bidhan Chandra Roy,

Babu Bejoy Krishna Bose,

Babu Jitendralal Banerjee,

Babu Amarendra Nath Ghose, and

Maulvi Abdul Karim."

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: On a point of order. We are negotiating with all the parties to come to some sort of compromise as to the composition of the Select Committee. If 10 or 15 minutes be given to us I think.....

Mr. A. K. FAZL-UL HUQ: We have not been consulted at all.

Mr. PRESIDENT: I do not think it is possible for me to give any time for such a purpose. By that I do not mean that negotiations cannot proceed. All the same we should go on with the business.

Babu BEJOY KRISHNA BOSE: In moving this amendment I have got only very few words to say. This Bill, call it by any name you please, is essentially a taxation Bill, and when it is a taxation Bill there are three things one ought to be very careful about, namely, for what purpose the taxation is raised, how the taxation is going to be imposed and, thirdly, how the money is going to be administered.

There is another principle involved in this Bill, namely, the constitution of the different agencies. I find on a perusal of the different sections that there are at any rate eight or nine controlling agencies mentioned in the Bill. These controlling authorities are: The Local Government, the Director of Public Instruction, the Commissioner of the Division, the District Magistrate, prescribed educational authority as mentioned in clause 2 which is not described anywhere, then the prescribed officer, that is to be found in clause 53 (4) and in any area in which primary education has been declared to be compulsory Attendance Committee, then the panchayets and the Union Boards and lastly the District Central Boards.

I will not take up the time of the Council by discussing these at length while moving this amendment, I am not discussing the principles of the Bill, because those are matters which require to be carefully gone into. The Select Committee proposed by the Hon'ble Minister is indeed a packed committee and I do not see why Mr. Dash, who is the Secretary of the Education Department, should be there. He will be there without being a member of the Select Committee. The way in which the Select Committee is packed makes it incumbent upon me to propose certain other names so that all the other views of the country may be represented in the Select Committee.

Maulvi TAMIZUDDIN KHAN: I want to speak on the general provisions of the Bill before I move the amendment that stands in my name. Sir, "All's well that ends well." But it is extremely regrettable that a dilatory motion should have been proposed in respect of a Bill which is perhaps the most important in the annals of legislation in this province, and it was no less surprising that the motion came from a

great educationist like Professor Jitendralal Bannerjee than whom there is scarcely a member of this House better able to realise the far-reaching effects of a measure like this.

The Bill has already been circulated and a large volume of opinion has poured forth all conceivable quarters. Further circulation of the Bill has therefore no meaning unless it is with the object of shelving it for good. This was frankly admitted by Mr. Bannerjee who moved the dilatory motion.

I have said that the Bill is perhaps the most important measure in the annals of legislation in Bengal and I have said that advisely. If the importance of an enactment is to be measured by the effects it is calculated to produce upon the life of a nation then it cannot be gainsaid that it is the most important measure in the history of Bengal under British Rule. It is far more important than all the measures adopted by Government for the uplift of public health and the improvement of agriculture. If the Government had only spent half the money hitherto thrown away in the name of these so-called nation-building departments, for the progress of primary education the solution of all sanitary and agricultural problems would have been far easier to-day. You have been giving, or at least posing as giving, instructions in matters of hygiene and agriculture; but curiously enough before you ventured upon such projects you did not think it worth your while to make sure that the people whom you wanted to profit by your instructions were capable of understanding them or had the requisite preliminary training to take interest in and apply themselves to the understanding of these things. Primary education should be the basis upon which all structure of reform must necessarily be built. You are prepared to spend millions for the superstructure but you are too niggardly to spend enough for the foundation. But for this penny-wise-and-pound-foolish policy—this policy of putting the cart before the horse—Bengal would have presented a picture quite different from what you witness to-day: a picture far more effulgent in the ray of intelligent hope and conscious self-determination. Only the other day on the floor of this House many an honourable gentlemen were justly apprehensive in introducing the system of voting by ballot in Local Board and Union Board elections on the score of the prevailing illiteracy of the voters. Had free and compulsory primary education been introduced in the country only twenty years back no one could have even imagined the possibility of raising objections like that. The question of a *further political advance* is now in the air and whether we co-operate with the Simon Commission or not an *authoritative Parliamentary pronouncement* on the subject is expected in a year or two based upon the report of the Commission. The growth of education in this country will surely be a matter of very great importance in considering about further steps of constitutional advance. As matters stand at present we can legitimately throw

the whole blame for our illiteracy upon the shoulders of the Government, but if we throw away this Bill or in any way thwart its progress through this Council we shall foolishly take a share of that responsibility upon our own shoulders, and I am sure enemies of Indian aspirations will make political capital out of our attitude towards the Bill for retarding the wheel of our constitutional advance.

Let us now examine one by one the principal objections against the Bill. The foremost in importance to my mind is the provision for a *new taxation*—the education cess. It is no doubt regrettable that Government has not been able to find money without fresh taxation for the discharge of one of its primary functions. It is also true that the people are already overtaxed. The objection raised against the Bill on the score of overtaxation is therefore a legitimate one. But we should not lose sight of the other side of the picture. The question is—Are we really in need of free and compulsory primary education? The answer cannot but be a unanimous "Yes." The next question is —How can we have it? Can we have it without fresh taxation? Here the answer must be an emphatic "No", because the Government cannot and will not spend the requisite money out of its existing resources. Therefore if we must have it we cannot logically fight shy of fresh taxation. My view of the question is—Tax or no tax we must have free and compulsory primary education. It is the very essence of our existence as a nation. If the Bill is enacted into law it is the raiyat who will be the hardest pit because the main burden of taxation will fall on his shoulders. Yet the prospect of the good that it will bring will make them gladly submit to the assessment. The Brahmins and the Baidyas cent. per cent. of whom are literate will not be benefited by the Act. Mussalmans, Namasudras and other low class denominations of the Hindu community are the people who will reap the greatest benefit and surely they have reasons to be enthusiastic over the measure.

I have been present at public meetings and district conferences in which the people assembled expressed their readiness in unequivocal terms to submit to taxation if unavoidable for a purpose like this. If we stand against the Bill on the score of hardship to the raiyat we are not his real friends but his enemies in disguise. Everyone knows how improvident and helpless the Bengal raiyat is. It is he who produces the major portion of the wealth of this land but he is the poorest creature on earth notwithstanding. He is ever surrounded by so many greedy hands and just as he has harvested the season's crops he is rapaciously attacked from so many quarters that at the year end he finds himself bled white, he not only finds his coffers and granaries emptied but is in need of incurring heavy debts which ultimately bring about his ruin unless saved by a providential rise in the price of his jute upon which however he has no control. Such being his lot he will not grumble to pay an additional anna in the rupee on his rent for giving his son or

neighbours' son that modicum of enlightenment which will teach him to protect himself from the illegal exactions of the zamindar and the money-lender, which will teach him thrift and self help, which, if turned to good account, will teach him improved and scientific methods of agriculture and which will teach him the elementary laws of health so as to protect himself and his family from the attack of fell periodical epidemics to which he is now an unsuspecting victim. This is from the individual point of view. If you look at the question from the nation's point of view the advantage is still greater. It will give you nothing less than the consciousness of nationhood which is the first pre-requisite of the political status of a people. Four pice in the rupee is too small a consideration in the eye of a nation for the perennial source of knowledge and privilege that it will open up for the children of the soil. Condemn the Government with all the emphasis at your command for not having done what is admittedly its most elementary duty but for heaven's sake do not stand against the intellectual emancipation of the people. Do not raise the futile cry that the zamindar who in equity and justice should shoulder the main financial burden is let off with only one pice in the rupee whereas the poor raiyat is saddled with a crushing load four times heavier than his landlord's. Circumstanced as we are it would be foolish to expect a better and more equitable arrangement. The heart of the Government, if it has one, may be presumed to be brimful of the milk of human kindness for the dumb millions of the land but we must not forget that it is swayed by another and a stronger human emotion,—a fear of displeasing the powerful landholding interest in the country. It may not always be a conscious fear, but it is there. Whenever and wherever the interests of the poor raiyat and of the powerful landlords stand in relation of clashing antethesis this fear, conscious or sub-conscious, compels the Government to lean on the side of wealth and power. So it has been and so it will be till the accumulated discontent of ages manifesting itself in a social cataclysm like that in Russia will sweep away the last vestige of arbitrary power and oppression unless the landlord himself, awakened to the reality of the danger, retraces his own steps and thus relieves the Government of its sub-conscious fear so as to encourage it to adjust the relations between the landlord and the raiyat on a permanent equitable basis. Unless and until that is done your cry against the "monumental folly of Lord Cornwallis," against the injustice done to the raiyat in the matter of the education cess, is nothing but a cry in the wilderness. Such being the situation will it be practical politics for the supporters of the tenants' interests to fight for the moon and forget in that futile fight the true interests of the raiyat which consist in the first instance in removing his illiteracy?

A more vigorous objection raised against the Bill by Mr. Bannerjee is on the score of the official-ridden Education Board proposed in the

Bill. Surely, it would have been far better in my opinion if the whole thing had been entrusted to the District Boards. The Government thinks that the District Boards will not be able to cope with such gigantic responsibilities. The efficient manner in which the District Boards have hitherto been performing their functions does not justify such suspicion. In my opinion the District Boards would have been able to manage the whole thing at less cost, as they have already an efficient establishment for the management of the system of primary education as it now obtains. It is regrettable that Government has given occasion for raising this controversy by proposing to deprive the District Boards of what is almost universally believed to be their legitimate right.

Mr. Bannerjee's first objection to the Board, even as it is, is the paucity of the popular element on it and that it is unsuited to the progressive tendencies of the times. This is perfectly true and Mr. Bannerjee can legitimately make a grievance of it. But if we look into the history of legislation in other provinces in India we may come across apt precedents. In Madras for example there is a similar piece of legislation called "The Madras Elementary Education Act of 1920."

4-30 p.m.

There also the Education Boards which are called District Educational Councils are similarly constituted. The District Collector is an ex-officio member of the Council. The President of the Council is appointed by the Governor and as a matter of course he appoints the Collector. The Inspector and Assistant Inspector of schools are there. If the Collector is the President of the District Board then it (the District Board) elects only two representatives to the Council; if not, the Board sends an additional representative. Other local authorities within the district elect certain prescribed small numbers and the rest are nominated by the Governor. But in the Madras Act there is one important proviso which is absent in the Bill under discussion. There the number of nominated members cannot exceed one-fourth of the total number excluding the ex-officio members. I think modifications in the light of the Madras Act may conveniently be made in the Select Committee and also in open Council by means of suitable amendments when the Bill comes before it for detailed consideration, and to my mind the Hon'ble Minister can have no earthly objection to such minor changes being made. Surely, one would be justified in questioning the bona fides of the Government if it objects to such modifications.

However, we see that in Madras also it is not the District Board that is entrusted with the management of primary education. The District Magistrate is the President of the District Education Board

in preference to a non-official. Moreover, in Madras, he is a permanent entity whereas in Bengal he is proposed to be there only for a limited term of nine years. If the Council considers the term to be too long it may be reduced by the Select Committee or by the Council, and here also I think the Government will not consider the Bill changed lock, stock and barrel if such a minor modification is made. If Madras is smoothly having primary education under such a regime I don't see why Bengal should be afraid of imaginary bogies if such a system comes into vogue. Mr. Bannerjee says that the District Education Boards under the control of the District Magistrate may take it into their heads to launch upon a campaign of creating mischievous linguistic divisions in the province by introducing into the schools of the different districts text-books composed in the respective dialects of the districts. This is nothing but apprehension run amock. Again, it is said that the schools under the management of these boards will be nothing but "loyalist manufacturing machines" and the education they will impart will be "education with a brand of servility on it." It is not denied that the present system of education in vogue is not without its defects and that it is not altogether suitable to the particular needs of our country. The system proposed to be introduced will be nothing but an extension of the present system and as such will have most of its defects. But is there any better alternative, practical scheme in the pocket of Mr. Bannerjee? Professor Bannerjee conveniently forgets that he himself and the noble band of patriots, belonging to his party, are all products of the slave-manufacturing machineries now in existence. Does he really think he and his friends of his way of thinking are the worse for their education than the mute illiterate millions for whom he is fighting? Does he not really think what he and his friends are—all their greatness—is due to nothing but the slavish education they have received through the medium of the slave manufactories of to-day? I do not understand why Mr. Bannerjee does not consider good for the poor peasant what he cannot conscientiously deny to be good for himself. It is no use dashing our heads against imaginary rocks. Let us look at the question in a sincere spirit from the practical man's point of view. We want education even of a defective kind. We are dying for it. Let us not, therefore, bother ourselves for the time being as to the agency that works out the programme. We shall reap the benefits all the same whether it comes through the proposed Education Board or the District Board. What we want is the building. Let us not quarrel at present as to who the contractor is. We want the architecture finished according to plan and estimate so that we may make use of it as early as possible. Let us not worry about the complexion of the man who fashions the building.

I beg to move by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name "Babu Naliniranjan Sarker" the following names be inserted, namely:—

"Maulvi Nurul Huq Chaudhuri,
Mr. A. K. Fazl-ul Huq,
Maulvi Abdul Karim,
Mr. Syed Md. Atiqullah,
Maulvi Syed Nausher Ali,
Maulvi Shamsur-Rahman, and
Maulvi Syed Abdur Rauf."

Mr. PRESIDENT: Many members are anxious to speak and I find that some of them are under a misapprehension. What I propose to do is to ask members against whose names there are certain amendments relating to the personnel of the proposed Select Committee, to move them, so that the list of members proposed for the Select Committee may be complete and ripe for discussion. After this is done, members will be allowed to speak on the main motion and the Bill itself. There need not be any anxiety about that.

[At 4-50 p.m. the Council was adjourned and it reassembled at 5 p.m.]

Rai HARENDRANATH CHAUDHURI: I beg to move, by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name "Babu Naliniranjan Sarker" the following names be inserted, namely:—

"Dr. Bidhan Chandra Roy,
Mr. Subash Chandra Bose,
Babu Bejoy Krishna Bose, and
Srijut Taraknath Mukerjea."

Mr. A. K. FAZL-UL HUQ: I beg to move, by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name "Babu Naliniranjan Sarker" the following names be inserted, namely:—

Maulvi Syed Nausher Ali,
Rai Sahib Rebati Mohan Sarker, and
Mr. P. N. Guha."

I would like to have your permission to add a few more names:—

Khan Bahadur Maulvi Ekramul Huq,
Maulvi Kader Baksh, and
Maulvi Kasiruddin Ahamad.

Mr. PRESIDENT: I am sorry, I cannot allow you to do that at this short notice.

Babu AMARENDRA NATH GHOSH: I beg to move, by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name "Babu Naliniranjan Sarker" the following names be inserted, namely:—

"Mr. Sarat C. Basu,

Dr. Bidhan Chandra Roy."

Maulvi SHAMSUR-RAHMAN: I beg to move, by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name "Babu Naliniranjan Sarker" the following names be inserted, namely: —

"Srijut Nagendra Nath Sen, and

Maulvi Shamsur-Rahman."

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move, by way of amendment to motion of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, that after the name "Babu Naliniranjan Sarker," the name "Mr. Bijoy Prasad Singh Roy" be inserted.

Maulvi NURUL HUQ CHAUDHURI: May I have your permission, Sir, to propose some additional names for inclusion in the Select Committee?

Mr. PRESIDENT: You should have given timely notice of this. I am sorry I cannot accept your amendment at such a short notice.

Khan Bahadur Maulvi EKRAMUL HUQ: I beg to move that after the name "Babu Naliniranjan Sarker," the following name be inserted, namely, "Maulvi Shamsur-Rahman."

Maulvi ABDUL KARIM: As you are going to put the amendments to vote, Sir, do I understand that discussion on the general principle of the Bill is closed?

Mr. PRESIDENT: I have already pointed out that I will give the House full opportunity to discuss the main motion and the Bill itself after these amendments are disposed of.

Maulvi ABUL KASEM: Why not dispose of the amendments after discussion?

Mr. PRESIDENT: Order, Order.

Maulvi KASIRUDDIN AHAMAD: I beg to move that after the name of "Babu Naliniranjan Sarker" the name "Maulvi Kasiruddin Ahamad" be inserted.

Mr. F. E. JAMES: May I say a word, Sir, on the constitution of the Select Committee at this stage?

Mr. PRESIDENT: You know my decision on the point. I have already told the House that the best thing would be to dispose of these amendments first and that without any discussion, as these are being formally moved at my suggestion. I think you agree with me when I say that the right moment for you to criticise the constitution of the Committee will be when the list of names proposed is complete. At the present moment you do not know what the constitution of the committee is going to be.

Mr. F. E. JAMES: What I want to do is this. I would request some of the members to withdraw their amendments that are down on the Agenda paper before they are put to the House, so that we might come to some arrangement between the various parties on this motion to refer the Bill to the Select Committee.

Mr. PRESIDENT: The Hon'ble Minister gave me to understand at a much earlier stage that certain negotiations were going on between him and the various parties. If no settlement was reached when the Council was adjourned for prayer I do not think any appeal is likely to prove useful at this stage. The fate of each of these amendments can now only be decided by votes. Besides, if I do not adopt such a procedure it will be very hard for me to dispose of the whole thing within the time at our disposal.

Maulvi ABUL KASEM: After the amendments are disposed of there will be neither any reason nor justification for any speech or discussion in support of or against the motion. The constitution of the Select Committee should be settled after the whole thing has been thoroughly discussed.

Mr. PRESIDENT: You are mistaken. On the other hand it will be worse than useless for any member to express any opinion on the constitution of the Select Committee as it is the proposition of the Hon'ble Minister, for the simple reason that the House cannot, at this stage, comprehend what changes may be affected in it by these amendments, and the right moment for discussion of the matter will be when the list is full and complete. It can injure nobody if the principles of the Bill and the constitution of the Select Committee as amended in the Council are then discussed together. It will save a lot of time too.

The amendment of Babu Bejoy Krishna Bose was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syed Nausher.
Ali, Mr. Altaf.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remes Chandra.
Bakeh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Bannerjee, Babu Premetha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Dayal.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Maulvi Tamizuddin.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-
Rahman, Mr. A. F. M. Abdur-
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Roy, Mr. Bijay Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Babu Naliniranjan.
Sarker, Rai Sahib Rebeti Mohan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Ghose, Mr. M. C.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Reid, Mr. R. N.
Sachse, Mr. P. A.
Stapleton, Mr. H. E.

The Ayes being 66 and the Noes 17, the motion was carried.

The amendment of Maulvi Tamizuddin Khan was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Syed Nausher.
Ali, Mr. Altaf.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remes Chandra.
Bakeh, Maulvi Kader.
Banerjea, Dr. Pramathanath.

Banerjee, Babu Premetha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Kharshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Shamsur-
Rauf, Maulvi Syed Abdur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Ray, Dr. Sidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Babu Naliniranjan.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Najee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Sinha, Raja Bahadur Bhupendra Narayan.

NOES.

Luke, Mr. N. R.

The Ayes being 64 and there being only one vote against, the motion was carried.

5-15 p.m.

Mr. JOGESH CHANDRA GUPTA: May I rise to a point of order? The Government members having shouted "Noes" were they entitled to remain in their seats?

Mr. PRESIDENT: Who demanded the division?

Mr. JOGESH CHANDRA GUPTA: We did.

Mr. PRESIDENT: Then they could sit tight in their seats if they so liked.

The following motions were then put and agreed to:—

"That after the name 'Babu Naliniranjan Sarker' the following names be inserted, namely:—

"Mr. Subash Chandra Bose; and

Srijut Taraknath Mukerjea.'"

"That after the name 'Babu Naliniranjan Sarker' the following names be inserted, namely:—

'Rai Sahib Rebati Mohan Sarker, and

Mr. P. N. Guha.'"

"That after the name 'Babu Naliniranjan Sarker' the following name be inserted, namely:—

'Mr. Sarat C. Basu.'"

"That after the name 'Babu Naliniranjan Sarker' the following name be inserted, namely:—

'Srijut Nagendra Nath Sen.'"

"That after the name 'Babu Naliniranjan Sarker,' the name 'Mr. Bijoy Prasad Singh Roy' be inserted."

The following motion was not put as it was covered by the foregoing division of the Council:—

"That after the name 'Babu Naliniranjan Sarker' the following name be inserted, namely:—

'Maulvi Shamsur-Rahman.'"

The motion of Maulvi Kasiruddin Ahamad, that after the name "Babu Naliniranjan Sarker" the name "Maulvi Kasiruddin Ahamad" be inserted, was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Ahamad, Maulvi Kasiruddin.
Ali, Maulvi Syed Nausher.
Atiquilah, Mr. Syed Md.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Choudhury, Maulvi Khorshed Alam.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Maulvi Tamizuddin.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. G.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Selaiman, Maulvi Muhammad.

NOES.

Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Premotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Guha, Mr. P. N.

Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Dayal.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Ray, Mr. Bijoy Prasad Singh.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

The Ayes being 21 and the Noes 43, the motion was lost.

Mr. PRESIDENT: Now the main motion of the Hon'ble Minister is before the House, and in my opinion this is the proper stage when the motion will be discussed.

Dr. KUMUD SANKAR RAY: May I know what is the total number of members of the Select Committee.

Mr. PRESIDENT: I think it is 32.

There is another point. A member asked me whether reference could be made to Mr. J. L. Bannerjee's speech in this connection, and when I allowed some latitude to Maulvi Tamizuddin Khan, there is a ripple of uneasiness. My point is this, no member can refer to the amendment which stood in the name of Mr. Bannerjee, because that has been withdrawn. But at the same time this Bill is still in danger of being thrown out. So the remarks that he offered on the Bill itself are still open to criticism.

Maulvi ABUL KASEM: Sir, do I understand that the question of referring the Bill to a Select Committee is still under consideration.

Mr. PRESIDENT: Yes.

Maulvi ABUL KASEM: Sir, I am glad that Government have after all thought it fit to bring forward this long-delayed piece of legislation. I am also glad that my friend, Babu Jitendralal Bannerjee, has seen his way to withdraw his amendment for the circulation of the Bill. This Bill was published in the *Calcutta Gazette* long before we were elected to this Council, and we had been expecting its introduction at every session of this House, and on previous occasions we were disappointed. But it is better late than never, and after all this Bill has been introduced, and I hope and trust we will be able to get it through during the lifetime of this Council. The Select Committee that has been formed is a fairly large body, but I hope the Select Committee will work with a united mind and bring out a practical piece of legislation,

which will introduce free and compulsory primary education in this province. Sir, I submit that the primary duty of Government is to provide for universal, free and compulsory primary education. The duty of Government towards secondary and higher education is of minor importance. Even in this country the other provinces have paid greater attention to primary education than to higher education, but in Bengal we have devoted our attention, our energy, and, I may add, our resources to higher education rather than to primary education. Like the Government of Bengal we want everything to be top-heavy, and to work from the top and not from the bottom. Now, Sir, Government have come forward with a Bill which will work from the bottom, which will lay the foundation at the bottom. We want self-government, but the easiest way to self-government is to educate the masses, to make them realise what their rights and privileges are and to protect them against everybody's exploitation. We have heard a good deal about the provisions of the Bill and about the constitution of the Board which will be entrusted with the control of primary education. I for myself, and I believe I share the opinion of a large section of my community, feel that for some time to come it is necessary that there should be some official element, some official experience, on our school boards. We also think that for some time to come the District Magistrate should be the executive head of the school boards. It has been suggested that the control should be in non-official hands; and it has also been suggested that the District Boards, which at present direct and control primary education, should be entrusted with this work as well. I submit, Sir, that the District Boards have been established for purposes quite different. They are to look to the sanitation needs of the people, means of communication, and various other matters; and the men selected for the purpose are chosen with a view to do work in those directions. It cannot be expected that they will be fit and proper persons to guide and control the education of the masses. There are certain provisions in the Bill, Sir, to which I take exception. In the first place, nothing is laid down in the Bill about Government contribution towards primary education. Sir, I think there should be statutory provision for a substantial contribution by Government towards the expansion of primary education. I have said, Sir, before that provision for primary education should be the main concern of Government. They may, if they like, and if their finances do not allow, curtail the expenditure on higher education, but they must make a substantial contribution out of the provincial revenues towards the expansion of primary education.

As regards the provision for taxation, I admit, Sir that if it is absolutely necessary to have free and compulsory primary education, there should be taxation. I am afraid, Sir, all the sources of taxation have not been properly tapped. My friend, Mr. P. N. Guha, has said that we should delay the passing of this Act for undertaking the spread of primary education on the ground that the Simon Commission is

coming and that our finances will be improved and the Meston Settlement will be revised, and on various other grounds, and he said that if Bengal has survived for so many hundred years without primary education, it can very well go on for a couple of years or so more. That, I submit, is not a sound proposition. There has already been considerable delay in making primary education free, compulsory and universal. But I submit, Sir, there should be an equitable distribution of taxation. The Hon'ble Minister in his Statement of Objects and Reasons has laid down that to ask the landlords to pay a pice in the rupee and the tenants 4 pice in the rupee is equitable because it represents a larger proportion of his income, and therefore it is a tax on the income and not on the rent. I submit that it is not fair to say so. The income of the zamindars is increasing, but not that of the tenants. I do not say that the economic condition of the tenants has improved by the rise in prices. Therefore, I would suggest to the Select Committee that the incidence of taxation should be considered as that of the roads and public works cesses, and there are other sources of taxation which should be properly tapped. If necessary, the sanction of the Government of India and of His Excellency the Governor may be obtained for the purpose; and I say, Sir, this can be easily done if the Government are earnest in their desire to see the spread of education amongst the masses.

As regards the constitution of the Board, that has also to be properly and fully considered; but these are matters which will have to be decided by the Select Committee, and after the constitution of the Committee I do not think that many arguments are required at this moment or that further discussion will serve any useful purpose. I only appeal to this House and to the members of the Select Committee that they may undertake their duty with a view to bringing about a practicable solution of this great problem, and that there should be no attempt, either on the part of the non-official members of the Select Committee or on the part of the Government, to shelve this piece of legislation for a future date. Sir, that will be a catastrophe for Bengal and the Bengalis. I say that Bengal compares very unfavourably in the matter of primary education and general learning with Bombay, Madras, or even with the Punjab. I, therefore, submit that this piece of legislation should be expedited, and if this Council can get it through during its lifetime, it will deserve well of the people of the country.

As regards the taxation provisions in the Bill, my friend Mr. Guha has said that this country is already overtaxed and it should not be taxed again. Well, Sir I would not express an opinion about my countrymen being overtaxed or not; but this I submit that for the general masses, the cultivators, the raiyats, the people in the rural area, the payment of a small tax for the spread of free primary education will be a very good investment, because the men who will pay the tax

for having primary education will save his grand-children and his children from being exploited not only by the zamindars and gomostas, but also by the police sub-inspectors, head constables, constables, peons of the civil courts and by innumerable other people, who now exploit them. Sir, I am not an educational expert, nor did I ever claim to be one, and therefore I cannot speak with authority, but at the same time I can say that I do not belong to that class who want to exploit educational institutions and students for political purposes to serve their own ends. I hope, Sir, that the members of the Select Committee will have their eye solely and definitely on the problem of education of the masses and not do things with a view to seeing how far our political views, our political creeds, can be propounded, extended, and strengthened, by control over primary education. I submit, Sir, that this Bill should go to the Select Committee; and although in my opinion the Select Committee is rather too large, I hope that it will be able to manage things satisfactorily and come to a compromise about the provisions of the Bill. At any rate, I hope that when this Bill comes out of the Select Committee, we shall be able to congratulate ourselves on the fact that after so many years and after such a long delay primary education in Bengal is going to be made free and compulsory.

Srijut NAGENDRA NATH SEN: Sir, is it proper for a member who has been appointed a member of the Select Committee to offer criticisms on the principles of the Bill at this stage?

Mr. PRESIDENT: There is no objection to his doing so.

Khan Bahadur Maulvi EKRAMUL HUQ: Mr. President, Sir, my friend Mr. Tamizuddin Khan has said that this is the most momentous session since the inauguration of the Reforms. We have the other day—on the 7th of August—discussed the Bengal Tenancy (Amendment) Bill, which was described by some of my friends to be a landlord's Bill, and to-day we are discussing the Primary Education Bill. Sir, on the first day, the benign members of the British Government, to my mind, merrily tolled the death-knell of the peasantry of this province and to-day I am afraid Government is again going to give a smart twist round the lean neck of the poor peasantry of Bengal. The amount they have been called upon to pay is 4 pice in the rupee. Could they not say that they wanted bread and they are given stone. Could they not say that they are already half-starved; they are not in a position even to supply food for them and their children; they are not in a position to supply milk in sufficient quantity to their offsprings? Why then burden them with such a heavy amount of tax. Why saddle us with 4 pice in the rupee while you are asking the zamindars to pay only one pice in the rupee. It has been said by the hon'ble members that the persons who will be most benefited will be the sons of the peasantry. Could not the peasants say in return that the amount they have been paying to

the coffers of the State, to the traders of England and the members of Government is already too much? Is it not a fact that from the money that is realised from them goes for the imparting of secondary education not only to the sons of landlords but also to the sons of the middle class people who are now holding high offices under Government and who themselves are potential landlords? Why do you not take those matters into consideration and why have you singled out the children of the peasantry alone and say that primary education will benefit mostly the masses of the people? Whatever may be the amount, Sir, that the Government may have thought of imposing upon the people of this country, I can assure you, Sir, that the peasantry of Bengal will not be terrified even if a heavier tax were to fall on them. They know, Sir, that illiteracy is the greatest evil that they suffer from and they are willing that the darkness of ignorance should vanish from their midst and that will be done by giving free compulsory primary education to the children of the soil. Sir, this question is not a question of to-day; it is a question which has engaged the patriots of this country for a long time. The patriots of this country from ages past—Sir Syed Ahmed of revered memory thought of it; Mr. Gokhale, who will live in the minds of the people of India for ever, fought and fought for introducing free primary education in the land. We are fortunate to-day that it was left to us to see the Bill introduced in our presence and in this Hall and we should congratulate ourselves, and the Hon'ble Minister for being in a position to bring this Bill before this House. I am sure the Hon'ble Minister even if he were to ask not for 4 pice but for 14 pice the peasantry of Bengal will not say "No"; they would immediately accept that as they appreciate the result of education. Sir, I am a representative of the peasants and I would not have thought for a moment of opposing the Bill if the Government had proposed a higher cess, because we are determined to have free compulsory education for our children. It might be that we have to pay other taxes. My children may not be benefited but that is no consideration to me when I find that the children of my own brothers will be educated—the backward classes amongst the Hindus and Muhammadans will be educated. That is enough for me. That is a thing which I am striving for. Mr. P. N. Guha and Mr. S. N. Roy have both advised us to wait till the Simon Commission's report is published. I do not care for the Simon Commission and for their report. All I want to say, Sir, is that it was the bounden duty of the Government to have introduced free primary education in this country years ago, but when they have not done that it is the bounden duty of the Council to-day when they have got an opportunity, to welcome the Bill and to pass it into law.

Mr. S. N. Ray has asked us to wait for some years. Sir, it is a pity that persons who have been dealing with the political problems of the country for decades past should be dilatory in their habits and that even persons of the Swaraj Party should have tried by motions to postpone

the consideration of the Bill proposing that it be circulated for eliciting public opinion. Sir, it was not expected that they should even have thought of this. It is a happy augury that the amendments to this effect have been all lost; it is a happy augury that the various parties in this Council have joined together to see that the Select Committee, a representative body of this Council, is formed to go into this important question and find out the best means of solving this question without detriment to the interests of the peasantry. It may be said Sir, that the body that is to guide the destiny of this Bill is a bit unwieldy but I differ from this opinion and I cite as my authority my friend Mr. Wordsworth who has just told the House that in an important matter like this it is not right and proper that we should have a committee of only 10 or 12 persons. We should have a committee, a representative committee, rather from almost all the parts of the province to go into this momentous question and sift every item contained in this Bill and come to a conclusion. I am glad, Sir, that such a committee is formed and I am also glad that the desire of Government to limit its number to 16 has been frustrated. The bureaucracy wishes that any one who is not within that charmed number of 16 shall not be allowed to come into the Select Committee. I say, Sir, that it is high time that Government gave up these cherished ideas of theirs and it is necessary that they should think that in these important questions the representatives of the people should be consulted, especially when such vital matters which concern the country at large are under consideration. Government should not think that these matters concern them alone.

It should be one of the chief duties of the committee to see that the burden of taxation that they will impose upon the masses be lightened as much as possible and that they should not be saddled with the maximum of 4 pice in the rupee as suggested by Government, while the zamindars are called upon to pay only one pice in the rupee. Sir, the masses of the country have to pay mahajans, landlords, and gomastas every month and this takes away a large part of their income. But what about the landlords? They have not to pay so many persons, so it is the bounden duty of the gentlemen who constitute the committee to see that their burden is lightened. It has been said Sir, that the control of primary education should not be in the hands of District School Boards; it has been further pointed out that the Central body that will frame rules for the selection of different books to be read in these schools may chose such books and give such lessons to the young children that they will learn nothing but subservience to the authorities that be. I say that even if Government should inculcate in the minds of the people the belief that their District Magistrates are so many Gods, their Deputy Magistrates so many demi-Gods, and the chaprasis their limbs, even then, Sir, I would not object to the introduction of primary education. We would wait to see the result. Is

it not a fact, Sir, that most of us in the beginning of our lives were taught to salam the elephant (hati), to salam the pahar (mountain), but now that you have grown old do you recognise these things to be of any importance to you? You have sense enough to see that those things do not matter and that they are not to be revered in that fashion. Similarly, Sir, when our children have got education they will know what loyalty, liberty and freedom is like. They will be able to comport themselves in such a way that they would never disgrace themselves by any unworthy conduct. I am perfectly sure, Sir, if they are given education they will know what is best for them to do. They will not be the toy of the agitator, neither of the mahajan nor of the zamindar; they will not even be the toy of Government. They will have the capacity to judge right from wrong and that is a consummation for which we should wait for, and wait anxiously and eagerly and with humble hopes. We are proud, Sir, that it has been left to us to-day to see the Bill introduced and I humbly hope that it will not be very long before we see the Bill working in this land of ours and dispelling the darkness of ignorance for ever.

Khan Bahadur Maulvi AZIZUL HAQUE: I thank the Hon'ble Minister in charge of the Education Department for having allowed us an opportunity of discussing the Primary Education Bill. Sixteen years back when I was reading the first principles of Political Philosophy under my revered professor, Mr. W. C. Wordsworth, then at the Presidency College, that Parliament can do everything except making a man woman and a woman man; then one distinguished Indian patriot, whose name is held in the highest esteem in India, I mean Mr. Gokhale, came to Calcutta and pressed from this very Hall the need and importance of primary education in this country. Sixteen years have rolled by and during that time we have seen many momentous changes in the political life of this Presidency but I find, Sir, it has not yet been possible, to the eternal shame of this Government, to put forward a comprehensive scheme of primary education so far as the Presidency of Bengal is concerned.

Sir, Bengal stands for what is best in India. Calcutta boasts of being the premier city in the whole of India, nay of the East, and it will be to our standing disgrace if we are not able at this stage to solve the question of primary education in this province.

6 p.m.

The Hon'ble Minister in charge should thank himself that in the very number of 29 in the Select Committee on the Primary Education Bill he has got the strength of the whole House so that he will eventually be able to persuade the Select Committee to evolve a tentative measure which might lead to a forward march of our advance. Mr. Jitendralal Bannerjee—whom unfortunately I do not find now—invited

his Muhammadan friends, particularly Maulvi Abul Kasem, and myself to explain why we are so much enamoured of the Bill being referred to the Select Committee. The simple reason, I might tell him, is this: That we want that some steps should be taken so far as mass education is concerned, because we believe that the political rights of the people have got no meaning behind them unless there is an electorate prepared on the basis of average education. My friend asked us whether we were going to have education among the masses by which they would really be able to understand their ordinary rights and privileges in their daily avocations of life or whether we were going to have education which is not worth even a mere name and whether our educational institutions are going to be nothing but mere manufactories of loyalty brand. I may tell him at once that this brand was not to our choice; it was introduced at a time when the Moslems stood aloof. But, Sir, the past is past and when the time has now come for the Moslems to take part, they have found that every other brand has been turned out of the field. So, they have got to accept the brand which has much premium on the market. History has not yet shown us the way of retracing our steps. It is not possible for us, howsoever we might try, to go behind the steps taken about a century ago by the distinguished educationists. I can say at once to my friend, Mr. Jitendralal Bannerjee, who belongs to the cult of non-violent non-co-operation—though he appears to have violence in him, while addressing the House—that he is himself a product of that loyalty brand of education. (A VOICE: Should withdraw; withdraw.) I find he has taken his oath of allegiance and yet it is possible for him to say that we should not have this kind of education. When I sometimes hear his impassioned eloquence, his torrential volley of words one after another I forgot whether I am not hearing the flow of the ever-flowing stream on the Thames or by the river Ganges; and yet that very gentleman says that it is not possible for us to accept that type of education. Personally for myself I consider that any education is good enough if the man is able to sign his name, if the man is able to calculate three and four, if the man is able to understand while making a purchase that the article he has received is worth the money he has paid as the price of it. This very type of education which has been condemned by my friend has stood the test; India has attained her present position by virtue of that very type of education which has been so much condemned by my friend. I am not hopeless of the future of our country, because I believe whatever education is given—in whatever form it is given, in whatever line it is given—it will come forth with mighty force which will enable us to take our stand in the true politics of our country.

I have to say a word or two about the Bill itself. My only complaint is that the Bill has thought of the District Magistrate, the Divisional Commissioner and every other officer, excepting the Director of Public Instruction, who is supposed to be the educational head in the

Presidency. I find that so far as the present scheme of education in this Bill is concerned, it has not given the Director of Public Instruction his proper place in the sphere of education in the Presidency. I do not know whether it is in consonance with the policy which the District Magistrate of Jessore has written that sometimes unnecessary attention by the experts of Government is more embarrassing than helpful. I myself think that the Bill should be referred to the Select Committee. Personally, I believe that there will be discussion on many difficult and important matters, on many points that have been raised in the opinions received from the District Magistrates and District Boards. It is worth considering them in a round table conference which will certainly be big enough to discuss the future of primary education. For example, the District Magistrate of Bankura has raised a note of dissent as to whether it might be possible for the District Magistrate to control primary education. If the District Magistrate is required to exercise any control over primary education, he does not think that the District Magistrate will be able to give the amount of time and thought which is necessary, and the result will be that the scheme will not be worked smoothly. This is one of the various opinions which have centred round the Bill before us. I want to have the discussion in the Select Committee. I hope all gentlemen who are interested in the problem of the future education of the Presidency will concentrate their attention to discuss the details of the Bill so that we may be able to evolve a workable scheme. We may fail, but I think the experiment is worth trying.

I whole-heartedly give my support to the proposal to refer the Bill to a Select Committee.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: With your permission, Sir, I would like to amend my motion by substituting the words "by the 1st December next" for the words "by the beginning of the next session," because we do not know when the next session will take place and it may be that the session will be a very short one.

Mr. PRESIDENT: I can accept your amendment, Nawab Sahib, provided there is no objection.

Srijut NAGENDRA NATH SEN: What is the object of the Hon'ble Minister for moving the present amendment?

Mr. PRESIDENT: The object is to mention a definite date to go by.

Leave was granted to amend the motion as suggested by the Hon'ble Minister.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, various members, who have spoken before me, have given suggestions which have all been recorded. I can say this much to them that we will consider every sentence, every word that has been recorded and I will put all their opinions before the Select Committee; and I hope the Select Committee composed as it is now will consider the opinions that have been expressed to-day and will try to meet the same.

As regards the Select Committee, probably it is apprehended that the Committee will be too unwieldy and things may be shelved. I have trust in the good faith of my friends, I have trust in the desire of the people of Bengal to have compulsory primary education, and I know that having taken into consideration the demand of the people and especially of the people whom they represent, the Members of this Council will come to some workable solution—a solution which will be acceptable to all parties of the House and the people at large and that they will be able to evolve a Bill which will meet the wishes of the general public. Sir, however unwieldy the Committee may be, I have faith in their good sense and I know from their discussion something will come out which will be for the good of primary education.

Babu MANMATHA NATH ROY: I move that the question be now put.

The motion that the question be now put was then put and agreed to.

The following motion was then put and agreed to:—

"That the Bengal (Rural) Primary Education Bill, 1928, be referred to a Select Committee consisting of the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, Mr. J. G. Drummond, Mr. A. J. Dash, Mr. H. E. Stapleton, Khan Bahadur Maulvi Azizul Haque, Mr. A. F. Rahman, Mr. W. C. Wordsworth, Maulvi Abul Kasem, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Mr. Satyendra Chandra Ghosh Maulik, Mr. A. D. Gordon, Babu Naliniranjan Sarker, Dr. Pramathanath Banerjea, Mr. S. C. Bose, Mr. Subash Chandra Bose, Dr. Bidhan Chandra Roy, Babu Bejoy Krishna Bose, Babu Jitendralal Bannerjee, Babu Amarendra Nath Ghose, Maulvi Abdul Karim, Maulvi Nurul Huq Chaudhuri, Mr. A. K. Fazl-ul Huq, Mr. Syed Md. Atiqullah, Maulvi Syed Nausher Ali, Maulvi Shamsur-Rahman, Maulvi Syed Abdur Rauf, Srijut Taraknath Mukerjea, Rai Saheb Rebati Mohan Sarker, Mr. P. N. Guha, Mr. Sarat C. Basu, Srijut Nagendra Nath Sen, and Mr. Bijoy Prasad Singh Roy, with instructions to submit their report by the 1st December next and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

6-15 p.m.

RESOLUTIONS

(on matters of general public interest).

Eradication of water-hyacinth pest.

Maulvi TAMIZUDDIN KHAN: I beg to move that this Council recommends to the Government to undertake legislation at an early date for the eradication of the water-hyacinth pest.

Sir, it is a matter of the utmost regret that such a resolution has to be moved in the Council. That such a resolution has to be moved is the strongest condemnation of the lip-professions of the Government to be ever solicitous of the people's good. The resolution is a vote of censure upon the so-called popular side of the Government. But it is a vote of censure without its sting; because it has no power to shake the Ministry. That is why nobody takes that interest in the resolution which it would have evinced, had it purported to pass a direct vote of censure on the Ministry. Moreover, the Minister directly concerned with the subject has no existence since the elevation of Sir Provash Chunder Mitter to what everybody considers a higher position. The problem therefore, though vitally affecting the well-being of the mute millions of this country, is going abegging and there is none to acknowledge it as his own. The problem has been before the arbiters of our destiny for about a decade, but the ever-resourceful Government has not been able to discover a solution. Had it been only the bursting of a casual bomb at a street corner of this city, the forces of law and order would forthwith have done their duties, and the whole bureaucratic machinery from the Governor to the constable would have been exercised over the incident. But a pest which has been systematically destroying lakhs worth of the peasants' agricultural produce, has blocked up almost all the small waterways of the province causing immense harm to boat-borne trade and traffic and jeopardising the health of millions of this land, for years together, is unable to provide that mysterious touch to the key of the governmental machinery which alone can spur it into action. The pity is that the disgrace of this culpable neglect attaches more to the popular side of our Government. Ministry after Ministry has come and gone but the solution of the problem is still exactly where it was ten years back. The exhibition of such lethargy, procrastination and lack of initiative on the part of the ministry redounds to the external shame and discredit of the system in vogue.

Bengal is not the only province affected by this water pest. It has attacked other provinces as well. Are those other provinces sitting idle over the problem? We find that Burma passed an Act for the eradication of the pest in 1917, Madras passed an Act which can be applied

for the destruction of the water-hyacinth as well as other agricultural pests in 1919, and even our little neighbour, Assam, passed an Act called the Assam Water-hyacinth Act in 1926. While these smaller provinces have been giving the pest the best fight probable, the progressive Government of the premier province of Bengal has been still hatching and cogitating, and we do not know how long it will go on doing so. It is this culpable procrastinating attitude of the Government that has prompted the resolution now under discussion.

It will be for the House to consider whether, under these circumstances, the House thinks that legislation is to be resorted to for the eradication of the pest. We have been sitting idle long enough and it is high time that we should do something. What is it that we could do? Whatever our activities may be, I think we cannot take any other line than the line of legislation ultimately. Without legislation such a gigantic problem cannot be tackled. There are provisions in the Village Self-Government Act which have been found insufficient for the purpose of coping with a pest like this. Therefore I don't think that there can be any question as to the necessity for legislation for the eradication of the pest. Now, so far as that question is concerned, it may be asked whether taxation should be resorted to, at the first instance. To my mind, Sir, it will not be wise for us at the first instance to have an Act with taxation upon the people, for many reasons: First of all, just to-day we have sent to the Select Committee a very important Bill, namely, the Bengal Rural Primary Education Bill. If that Bill be passed into law, the people of the country will be saddled with a heavy tax. The raiyats will be saddled with a tax of 4 pice in the rupee on the rent they have to pay, and the landlords will be saddled with a tax of one pice on the net income they derive from their zamindaries. Therefore, that is a reason which, I think, is very much against the proposal for taxation to be resorted to for fighting this pest.

There is another side of the question. Whatever we may say, there is no denying the fact that it is a very very difficult problem. Whatever steps we may take, it is just possible that we shall fail in the first instance. Now, if we resort to taxation, if we impose a heavy tax, and in spite of this taxation, our measures fail, then it will have a very disastrous effect. The people of the country will lose all faith on the measures that the Government may take; and if afterwards another taxation is necessary for fighting this pest, the people will be very very reluctant to come forward to pay that tax. Therefore, I think we should, in the first instance, have an Act without any taxation. We have Acts in Madras, in Burma and in Assam, as I have already stated. In none of these Acts, there is any provision for taxation. In these Acts the pest has been declared a "public nuisance;" and anybody having the pest of water-hyacinth on the lands in his possession is to be compelled to remove that pest from his land. If he cannot do that,

then certain authorities—it may be local authorities like the Union Board or the District Board or some other organisation that may be established—will eradicate the pest and spend all the money that is necessary for removing the water-hyacinth from the land and then recover the cost which has been incurred from the person on whose land the pest may have been found. It may be said that these Acts have not worked satisfactorily in the other provinces. I do not however know if it has worked satisfactorily. The problem is so difficult that it is quite possible that the Acts have not worked very satisfactorily, but I am sure that they have done some good to the provinces and these provinces have been doing something, while Bengal has been doing nothing. If we pass an Act as those passed in the other provinces I have mentioned, we shall reap various benefits and the best benefit will be the experience we shall gain which will enable us to fight the evil, more effectively. We may meet with failure in the first instance but that will give us experience as to how to meet the problem. After gaining experience we may launch proposals for a fresh Bill, perhaps with provisions for taxation; and then in the light of experience gained we may enact provisions which, I think, will prove ultimately successful. I think it is high time that Government should do something. An innocent Act on the lines of the Burma Act or the Assam Act is what is urgently necessary under the present circumstances. I have consulted various people of the country and they are unanimously of opinion that Government have been doing nothing and that it is the duty of Government to take to legislation without further delay. It may not be easy to compel people to remove the pest. As I have said, our efforts will give us a good deal of experience which may help us in our future action. With these words, I commend my resolution to the acceptance of the House.

6-30 p.m.

Dr. KUMUD SANKAR RAY: Sir, in speaking on this resolution, I find that I am rather fortunate in being able to support my friend Mr. Tamizuddin Khan. Of late, I have not been able to agree with him on many matters, but this is fortunately a matter on which I am going to vote with him. Sir, I come from the same constituency as my friend and I realise the importance of this matter. Now, in supporting this resolution I should like to deal with a few points and I shall try to be very brief. The water-hyacinth problem is one which affects the Eastern Bengal districts mainly, though some other districts of central Bengal are also affected. The district from which I have been returned to this Council is badly infested with water-hyacinth. Being a medical man, I would deal with the sanitary aspect of this problem first. Water-hyacinth pollutes the drinking-water of tanks as well as other sources of water-supply. In the summer the water dries up, and the water-hyacinths rot in the little water that is left,

and the stench becomes awful. For some months it is impossible for the people to drink such polluted water: they cannot get good drinking-water even within a reasonable distance from their villages. By drinking such polluted water, it gives rise to innumerable diseases, such as cholera, etc.

Sir, it also affects the means of communication. Those of us who have some experience of travelling in the interior of Eastern Bengal know how difficult it is to make headway in boats along channels and water-courses which are infested with water-hyacinth. I can speak of my own experience. Once while travelling on some business, I was stuck up in the middle of a bhil for one day, and you can imagine the hardships that I had to undergo: my drinking-water ran out and I was bitten by mosquitoes all the time I was stranded. If anyone has had experience of a similar nature, he will, I am sure, support this motion for dealing with the problem of water-hyacinth as speedily as possible. Further, it also affects the agriculturists. I was told by the District Magistrate of Faridpur that he had calculated the economic loss caused by water-hyacinth, which he fixed at about Rs. 47½ lakhs for the district of Faridpur alone. Now, Sir, if this is the loss in one district, the losses in all districts would amount to a tremendous sum. I submit that something should be done to eradicate this evil, and if necessary taxation should be imposed for this purpose. And if any Bill is required, that should also be framed. But something must be done without any further delay, because this state of things cannot be allowed to continue for any length of time. If the matter is delayed, the expenditure that will have to be incurred for dealing with this problem will be increased a hundredfold: so, if any action is to be taken it should be taken promptly and at once.

In this connection, I should like to give a brief history of the agitation that is being carried on with regard to this pest in the country. All the District Boards concerned have passed resolutions urging for immediate action, and public meetings have been held all over the country. The Government also appointed a Special Officer to deal with this problem. So far as I am aware, the Special Officer submitted a report and recommended that a Bill should be framed for the purpose. Subsequently, the Government appointed a committee: that committee also examined the matter and submitted a report. In July last year, a conference was held at Dacca at the instance of Sir A. K. Ghuznavi and His Excellency the Governor to discuss this question. In spite of all these committees and conferences we are no nearer to the solution of the problem than we were five or six years ago, and the matter has been allowed to drift on. Not only nothing has been done, but even the report of the conference has not seen the light of the day. Apart from the fact that the Government have spent some money on Griffith's spray and other things, which are absolutely of no use but which simply put some money into foreigners' pockets,

Government have done nothing in the matter. The Hon'ble Sir P. C. Mitter, when he was the Minister in charge of some of the transferred subjects including Agriculture, gave public lectures that he was going to tackle this matter, and the Government was approached by a gentleman of the name of Mr. D. K. Sanyal with a scheme. But now that Sir P. C. Mitter has been transported to the executive side of Government, he has forgotten all about water-hyacinth, and his love for nation-building work has vanished.

Sir, much time has been wasted and it is incumbent on Government to do something at an early date. Unless this is done, matters will go from bad to worse. With these few words, Sir, I support the resolution which has been moved by my friend.

Srijut NAGENDRA NATH SEN: Sir, the resolution which has been moved by my friend, Mr. Tamizuddin Khan is in the nature of a vote of censure on the Government. It is to be extremely regretted that the Hon'ble Minister in charge of the Agricultural Department, after the receipt of the resolution, did not either intimate beforehand Government's intentions in this respect, or give an assurance that the desired legislation would soon be undertaken, so as to enable this resolution to be withdrawn. My friend, Dr. K. S. Ray, has told us that a conference about the water-hyacinth was held in July last year at Dacca, and he said that we were exactly in the same position as we were five or six years before. I should say that we have not only not made any progress in dealing with this question, but that the position has gone from bad to worse.

Sir, this pest has affected the production of crops in a very serious manner. We have already been told by my friend, Dr. K. S. Ray, that on the calculations of the Collector of Faridpur paddy worth about Rs. 47½ lakhs are destroyed every year in the district of Faridpur alone by this pest. And if we calculate the losses for the whole of Bengal, it would come to a colossal figure. That the water-hyacinth has been allowed to grow to a veritable pest is simply due to a want of system in the administration. There are the District Boards, the Local Boards, and the Union Boards to look after certain things, but there is nothing corresponding to these bodies to look after the water. The water is allowed to be polluted with impunity: the waterways are allowed to be obstructed. The numerous khals, bhils, and rivers, which are fast dying out, might have lived far longer if only a little care had been taken of them. The so-called natural silting up of waterways might yet be prevented, if only a little amount of attention were paid to them. They are totally uncared for.

The water-hyacinth in the waters of Eastern and Central Bengal is not of quite recent growth. Its origin has been traced to the early part of the present century, but nothing was done then, nothing has

been done in the interim, and nothing is being done even now. And from a small origin it has grown to an unmanagable source of annoyance and a menace to the health and wealth of the country. Opium-eaters are slow to rise from their slumbers in the morning. When one of them intimates to another that the sun is up and shining, the other replies that he is not opening his eye-lids. And so it is the case with our Government. The wheels of Government move slowly—very slowly. Unless the high-placed Government officials are directly concerned, it is no affair of theirs to poke their nose in a matter which may be of vital interest to the entire population. The European District Officers and other officers, generally, tour in steam-boats, and steam-boats only ply in clear water. They never use country-boats, and so these officers can never realise the sufferings and troubles of the persons and boats using waterways logged with water-hyacinth.

Sir, Burma and Assam have enacted some Acts intended to cope with the water-hyacinth pest, but Bengal lags behind. Why this inaction and apathy on the part of the Government of Bengal? They are more concerned with internments and externments, and with acquiring powers under the Criminal Law Amendment Act: so they have little time to devote their attention to these small matters.

Maulvi KADER BUX: We have nothing to do with internments or externments at present.

Srijut NAGENDRA NATH SEN: It is high time that the Government undertook legislation on the lines either of the Assam Act or of the Burma Act. They should also take the opinions of public men, and public associations who are all vitally interested in the eradication of the pest. The Hon'ble Minister sits tight in his *gudee* and cares nothing for the people. So, I challenge him to say what measures the Government have undertaken since the conference at Dacca in July, 1927, at which His Excellency the Governor was present—it was also opened by him—and which was presided over by the then Minister in charge of the Agricultural Department, viz., Alhaj Sir Abdelkerim Ghuznavi. It would not do for the Hon'ble Minister simply to say that Government are deliberating over the matter: the time for deliberation is past, and it is high time that some action were taken to cope with this menace. We are all eager to hear the explanation of the Hon'ble Minister as to why the Government have not yet taken any effective steps to deal with this problem.

[At 6-45 p.m. the Council adjourned and it reassembled at 7 p.m.]

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I welcome this resolution for two reasons. First, it gives me an opportunity of informing the Council of how matters stand at present and of showing that the Government, whatever appearances may be, has not been altogether idle.

Secondly, it shows that public opinion is alive to the dangers of this pest and I, for one, am very definitely convinced that no measures devised by Government can be effective unless they are backed up by a resolute and enthusiastic public opinion. Sir Provash Chunder Mitter from the moment that he took office as Minister devoted a very great deal of his time and attention to the problem, and I am sure he must regret that under present circumstances the handling of this subject is no longer his, and that the opportunity of carrying matters beyond the stage they have at present reached has been taken from him.

I think we may consider that it is now generally agreed on all sides that legislation is necessary. It is true that the results of legislation in other provinces of India and in other countries have not fulfilled the expectations which doubtless attended their inception; but if "hopes were dupes" in those cases, quite likely "fears may be liars" in our case, and unsatisfactory experience elsewhere should not deter us from enacting legislation here. I am bound, however, to qualify this statement with the proviso that we may safely say that legislation is perfectly useless without strong financial backing. By this I mean an Act, making it compulsory, on the owners of property on which water-hyacinth is, to clear their property, is all very well, but if they fail to do it themselves, as will inevitably be the case in many instances, we must, if we are going to tackle this problem successfully, place ourselves in a position to do the work for them, recovering the money, where possible, afterwards. It is not like any ordinary penal legislation when something is stated to be an offence and the individual is punished if he commits it. What we have to do is to make it an offence for an individual not to get rid of water-hyacinth of his land but if the law is transgressed we shall not only have to punish the transgressor, but also do the work for him which he ought to have done himself. And then apart from private owned property there are vast areas—waterways, khals, bheels, etc.—which only Government agency can clear effectively. This, it seems to me, is the key to the problem—a well-thought Act and a fund to make it effective. These of course must be supplemented by the creation of an executive to carry out the purposes of the Act. I do not propose, however, now to go into the details, though I recognise how important the matter is, since on a sound organisation depends the successful working of any measures that we may undertake.

The matter has not been decided by Government as a whole, and naturally I cannot say on what lines exactly our decision will be made, or how far further discussion may modify our views. At present I am inclined to think that we cannot without further experience ask the Council to approve of any large scale proposals for general eradication which must, without question, cost a great deal of money. But I feel that what we ought to do now is to establish an organisation on

the lines which, I imagine, will eventually have to be followed if the problem is ever to be dealt with on a comprehensive scale. It strikes me that if we set up some such organisation, and spend a reasonable sum of money for, say, a period of three years, we are bound to obtain information which would give us a definite answer to the question whether we should launch out into a comprehensive campaign which would cost the country a great deal of money, or should make up our minds that the thing is beyond our resources. The fact is, though there has been a tremendous amount of literature and discussion on the subject, we have no very reliable data to go upon, either as to the cost of the operations or of the best method to be adopted. It will be enquired from where the money is to come from for this work. Here again I am not in a position to make a definite statement, because Government have not come to a final decision. In our present financial condition I do not see the smallest hope of getting sufficient money for this purpose out of our ordinary revenues. When we begin to enquire as to suitable sources of special taxation, we soon find that the field is very limited. A terminal tax, to be collected from the railway and steamer companies, is one that is often advocated, but this is a matter in which we should have to obtain the approval of the Government of India, and I do not see very much hope in this direction. There are those that hold that we might raise a large sum of money by introducing a license fee on boats. Boats are the most universal form of vehicle in the affected areas, and one would scarcely think that anyone could object to pay a reasonable tax on their boats, especially if they knew it was to be devoted entirely to keeping their waterways open. But there are difficulties in the way of collecting such a tax. Nor have we any reliable data to go upon in framing estimates of the yield of such a tax.

I feel that we ought to encourage the public at large to interest themselves in this problem, and I believe that the offer of rewards or prizes to persons who would send in schemes for clearing the water-hyacinth in an economical way or for destroying it by spraying with some substance which would not be harmful to human beings or animals and so on, might be effective. That indeed seems to me the only possible way to reduce the cost of the operations—some speedy, cheap and easily handled destructive agency. I am inclined to think that proposals of this nature would probably find a place in the scheme eventually decided on by Government. We have had an unsatisfactory experience in respect of one spray, but that need not deter us from trying others.

I am very anxious that there should be no misapprehension as to the complexity and difficulty of this problem. Given legislation and given the best scheme of organisation that we can devise, there is no doubt that for, probably, the first year of working we should be experimenting the whole time. We may find that expenditure greater than

we imagined will be necessary in one direction whereas it may be less than we imagine in others. But whatever we do and whatever the result, we must be prepared to spend a good deal of money and we should also be prepared for possible disappointment. Furthermore, and this is a very important point, I do not see how we can proceed very far unless we get the neighbouring provinces to join with us. We know that Assam, Bihar and Orissa, and the United Provinces are affected with this weed in greater or less degree and as we cannot close our boundaries to the invasion of water-hyacinth from other provinces, it is essential to arrange that they shall work in concert with us. We shall have to ask them what they are doing and what they propose to do.

As I have said before, we are only too anxious to get suggestions from all sides, and I can assure you that any suggestions sent in, will have full and careful consideration.

It will be said that there is nothing new in what I have stated. Nor there is. But it is a good thing to restate the points of a problem every now and then and I want to make it plain that those old difficulties still persist which all along have made this problem so hard to tackle.

I may further inform the House that so far as legislation by Government is concerned it will be rather difficult for them to do so. If any non-official member will bring forward any legislation in this Council Government will receive it with sympathy and give it due consideration. In view of the assurance I have given I hope the Hon'ble mover will now set about preparing a Bill to this effect.

Mr. JOGESH CHANDRA GUPTA: May I rise on a point of information, Sir. Will the Hon'ble Minister be pleased to inform the House as to how many legislative measures were proposed from 1921 up till to-day?

Mr. PRESIDENT: I do not allow that question. It is hopeless.

Mr. JOGESH CHANDRA GUPTA: What I say is this: the Hon'ble Minister has advised the mover to bring forward a bill which Government say they will welcome.....

Mr. PRESIDENT: Order, order.

The motion of Maulvi Tamizuddin Khan was then put and agreed to.

Adjournment.

The Council was then adjourned till 10-30 a.m. on Saturday, the 11th August, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Saturday, the 11th August, 1928, at 10-30 a.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, and 88 nominated and elected members.

Resolutions

(on matters of general public interest).

The following resolution was called but not moved, and therefore deemed to be withdrawn:—

Maulvi ABUL KASEM: "This Council recommends to the Government that legislation should be introduced immediately to abolish the Local Boards in Bengal."

Assessment of cesses under the Bengal Cess Act.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I rise to move that this Council recommends to the Government that the cesses assessable under the Bengal Cess Act on the annual value of lands should be assessed and levied at a graduated scale of rates, beginning with half the rate as laid down in section 6 of the said Act, leading up to the maximum rate provided in the same section of the Act, to the time when the next revaluation takes place in such district or districts where the settlement operation is over or will be over shortly and the revaluation of the land has been or will be done with reference to the record-of-rights.

To make things clear, I should read section 6 of the Cess Act which runs thus:—

"The rates at which such cesses respectively shall be levied for each year shall be determined for such year in the manner in this Act prescribed:

Provided that the rate at which such cess shall be levied for any one year shall not exceed the rate of one-half anna on each rupee of such annual value and annual net profits respectively."

The true interpretation of the section is that the maximum rate should be levied only at a time of urgency and on rare occasion and not otherwise.

Had the intention of the law been prescribed as it is, that is to levy the tax at the maximum rate, this clause would not have been inserted and the maximum amount would not have been provided for. The law would have provided a fixed rate instead of providing a sliding scale up to the maximum rate. Moreover, as the law provides for fixing the rate each year, it shows clearly that the rate should vary according to the necessity and cannot be a fixed one permanently for all times.

If we peruse the sections 153 and 155 of the Act and the attendant circumstances, we gather that the then Lieutenant-Governor agreed not to interfere if the cesses were levied at the minimum rate determined by the Committee; on rare occasions only he might order that the cess would be levied at any other rate up to the maximum amount. This shows that the cess was to be levied first at the lower rate; as a matter of fact it was so levied; the practice was to levy it at the minimum rate. The maximum rate was only applied on the important occasion when there arose a necessity of any new construction for irrigation or otherwise. Now-a-days, however, it is the common practice in the districts of Bengal to fix the maximum rate and to levy it forthwith.

Unfortunately for the zamindars and the tenants, the Government have omitted to see the true interpretation of the section, and have given the choice to the District Boards to levy the maximum rate all at once.

There may be some apprehension in the House as to the fall of income of the District Boards, but I can assure the House that the income will not be affected. To safeguard the interest of the District Boards, I have therefore proposed to levy it on such districts only where the settlement operations are over or will shortly be over. From the reply to my question on the 28th February, 1928, the late Maharaja Kshaunish Chandra Ray Bahadur of Nadia laid on the table a comparative statement of the income derived from roads and public works cesses before and after the settlement operations. From the statement it appears that there has been an increase of income of about 50 per cent. on an average after the revaluation has taken place. Bankura had the income of Rs. 1,09,566 which rose to Rs. 2,33,924, that is, about 124 per cent. So it is with Midnapore where the income was enhanced from Rs. 3,33,615 to Rs. 5,77,017. If the principle be followed in these districts where the revaluation has taken place or will take place and where the income has been enormously increased, there would be no apprehension of the fall of the District Board revenue. On the other hand, it would save cultivators as a class in general.

It must also be taken into consideration at the same time that the burden of expenditure of the District Boards has been minimised to a great extent by the formation of the Union Boards, and District Boards, therefore, should be content with their present income instead of hankering after an increase of 50 per cent. of income all on a sudden at the cost of the welfare of the poor tenants and cultivators in general, and to this end the Government should jealously regard that the true interpretation of the law is carried out. I trust the Government will be guided by some counsels in this matter, as it has done in all other like matters.

One can question as to how the valuation of the land has been increased so much after the settlement operations. The answer is, it was due to the arbitrary way of the Revaluation Officer. If the starred question No. 29 of the 3rd August last of Srijut Jogendra Nath Moitra be referred to, you will see that the Hon'ble Minister has admitted that bargadars even are recorded as under raiyats. So the valuation of the holding, instead of being the annual rent of the land, has been increased, and the annual profit has been taken into consideration. Moreover, even where there is no source of income in such places as graveyards, burning-ghats, in lands set apart for throwing bones and refuse of villages including barren lands, the Valuation Officers of the Government attach a great importance on these lands, and put forth an imaginary valuation on them, levying the cess accordingly. I do not know what is the instruction of the Government authorities in this respect. If the Government instruction is such, it is a case of zulum no doubt, and an illegal and arbitrary way of handling the matter only to harrass the cultivators and the zamindars.

After the passing of the Cess Act, the Collector had been entrusted with the work of realising the cess from the rent-free holders. But finding difficulty, however, in the realisation, this duty has been entrusted to the zamindars. Generally, the rent-free holders pay a very nominal cess, such as one pie, two pies or one anna at most. In case of the default, it is practically impossible for the zamindars and the landlords to realise it by a rent suit, with the result that these are left unrealised, and the zamindars have to pay from their own pockets the cess which should have been given by the rent-free holders and which come to a very big amount collectively. When the Collector having the power of issuing certificates is not able to realise this cess, can you expect landlords to realise it when they do not possess such privilege and power? The realisation of cess, therefore, is a losing concern to the zamindars as a class. I leave these points to the earnest consideration of Government as grievances that call for immediate redress.

Another question may be raised, whether if the zamindars would realise cess at half the rate from the tenants if the District Board fixes at half the rate of maximum rate provided in the law. My answer is that they will be bound to do so as laid down in sections 40 and 41 of the Cess Act. With these few remarks I appeal to the House on behalf of the tenants to relieve them from this excessive burden.

Babu BEJOY KRISHNA BOSE: I beg to oppose this resolution. I do not know whether the Maharaja (I beg your pardon, the Raja Bahadur, but I hope he will be Maharaja soon) realises that the effect of this resolution would be destruction of District Boards and Local Boards. If the resolution meant only that the amount which has been levied at the revaluation be collected gradually, then I might have supported him; but I cannot understand how the cesses could be assessed and levied at a graduated scale. After the revaluation, with their increased income, the District Boards are looking forward to take up their manifold duties; but if they be crippled in their income, they will not be able to carry out all the important projects for which they are making provision. As they would be impaired, I do not think that this is a practical resolution at all I do not understand how the rate can be levied at half-anna at the beginning and at the maximum rate of one anna during the years between one revaluation and another revaluation, but my main objection is that the activities of the District Boards will be crippled. I hope the hon'ble mover will withdraw his resolution.

Khan Bahadur Maulvi AZIZUL HAQUE: I have to oppose the resolution moved by my friend the Raja Bahadur of Nashipur. My opposition is as much on the ground which has been just put forth by Mr. Bose as also on the ground that it will hopelessly complicate the machinery which is now responsible for the collection of cess in the Presidency of Bengal. In the present adjustment of things, the Collector realises from the landlords and leaves it to the landlords to realise it from the tenants. Let us for the time being suppose that the Collector is to realise from the zamindars at a graduated rate. Is there any guarantee that that graduated scale, in spite of what has been put forth by my friend, will be really followed by the zamindars in Bengal? Apart from all that, the machinery will be so complicated that it will be impossible for anybody to know exactly what amount would actually be realised from the tenants. Knowing as we do—I do not want to use any stronger words than I am compelled to do—the history of the landlords of Bengal, I can unequivocally say it will be absolutely impossible to guarrantee that that amount will be actually realised from the tenants. Supposing that a graduated scale is introduced, I am quite certain that the larger, a much larger amount will continue to be realised at the old rate.

I, therefore, oppose it, quite apart from the ground that it will lessen the income of the District Boards. My friend is not connected with any District Board, but if he were connected with the District Board, he would see that the responsibilities of the District Board in the nation-building departments are much more than those of the Government at the present moment. Government have certain administrative and supervising duties, but primary education, public health and sanitation, medical needs and many other delegated matters are entirely the concern of the District Boards. In that view of the things, I think my friend is lamentably too late in the century. I find there is hardly any District Board which does not suffer for chronic financial poverty. I admit that there is always some increase in the income of the District Boards immediately after the settlement operations; that is because both the landlords and the tenants had defrauded the District Boards. Immediately after a settlement, every bit of land is detected, and people have naturally to pay a higher cess to the Collector. I am not convinced that the hon'ble mover has been able to put forth a good case which deserves consideration from the House, as I think even after the delegation of certain functions of the District Boards to the Union Boards, to which he was referring to, the work of the District Boards has in any way decreased. In my connection with the District Board of Nadia I have found that the introduction of Union Boards has, on the other hand, increased the work of the District Boards; their administrative and supervising duties have increased, and they are now expected to give a larger, a much larger, dole to the Union Boards. I think it is impossible for the District Boards to pay these grants out of their present income. Government used to pay a certain amount of grant; they have recently changed their rules, and the augmentation grants which they used formerly to allot to the District Boards are now allotted almost entirely to the Union Boards, through the District Boards. Quite apart from the augmentation grant, the District Boards out of their own resources have to pay further grants to the Union Boards. I can say from my experience in my district that not only these grants, but half the amount of the pound income, has been transferred to the Union Boards. Surely, the District Boards cannot be expected to part with their income further, which the resolution as it stands aims at, at this late stage, when the District Boards along with all other Government institutions are suffering from a chronic financial difficulty. Because some of the responsibilities of the District Boards have been transferred to the Union Boards, I do not understand why the landlords should try to shirk the responsibility that rests on them. This is not the criterion by which we should judge the financial questions, but we should look to the broad principles of finance. I think every District Board at present has a fixed rate which leads to administrative convenience, because everyone in Bengal knows what is the amount he has to pay. This practice has been going on not from to-day but for many

years, and I do not think it is possible to go back now as it will lead to great complication. With these words I beg to oppose the resolution moved by the Raja Bahadur of Nashipur.

Babu SASI SEKHAR BASU: In addition to what has been said by the two previous speakers, I want to draw the attention of the House to the fact that there is a section in the Local Self-Government Act under which a District Board can, after consideration of its needs and financial position, assess the rate at which the cesses should be paid. They have been found upon the examination of their needs and of the finances under their control. They cannot very well reduce the rate; they have to levy it at the maximum rate. We know that expenditure in the District Boards is going up, and with the revenue at their command it is very difficult for them to carry on all the works entrusted to them. If they go on at this rate, other resources should be found; otherwise, the District Boards will not be able to carry on their work very well. The District Boards consist of a non-official majority, and when they, after considering all their needs, come to the conclusion to levy cess at the maximum rate, why not leave it to them, who are our representatives in the District Boards, to do it as best as they can? With these words I beg to oppose the resolution.

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: I beg to oppose the resolution moved by the Raja Bahadur of Nashipur. The resolution as it stands is of a beneficial character to the zemindars, because this cess is a constant drain on their resources. The tax is iniquitous, inasmuch as over 30 per cent. of it is unrealisable. But considering that it will hamper the income of the District Board which is the only nation-building department that we have in this time of financial stress, I think our best course would be to oppose the resolution.

Srijut RADHA GOBINDA RAY: I beg to oppose this resolution, simply because the District Boards are now in want of funds. The constitution of the District Boards is now what it should be. In our part of the district, we are extremely in want of funds, and we cannot look after the removal of the water scarcity, etc., of the district, and if the additional funds which have come to the hands of the District Boards be thus taken away by giving effect to the purport of this resolution, the District Boards will not be in a position to carry out many important projects which are necessary for the development of the rural areas. The revaluation cess certainly has added to the difficulties of the zemindars, because this cess—though it does not come from their share of income—has materially affected their income. But in this Council it has been discussed that recently the income of the zemindars has increased

greatly and if the funds be administered by the District Boards, then I do not find any reason why this resolution should be supported. I, therefore, think that the resolution should be opposed.

Babu AMARENDRA NATH GHOSE spoke in Bengali, the English translation of which is as follows:—

"Mr. President, Sir, I stand to oppose the resolution for reduction of road cess, moved by the Maharaja of Nashipur. All kinds of taxes paid directly and indirectly are spent by the Government under their direct control, but this is the only tax which, though the Government has indirect control on it, is spent by the peoples' representatives in the District Board. This road cess is not only spent by the people themselves, it is spent for some practical purposes which are really beneficial to the people. When the people helplessly die of cholera, small-pox, kala-azar, or malaria epidemics, District Boards at least try to help them with this money. The Boards try their best to give primary education to our children. They send Veterinary Surgeons to the villages at the time of cattle epidemic. Drainage and channels are opened—means of communication are improved. In a word, these District Boards are in charge of (*i*) sanitation, (*ii*) communication, (*iii*) primary education, etc., and the cost of their work is met by this tax.

If the Raja Bahadur is really anxious to relieve the people of this country from heavy taxation, why is he not trying to reduce the rate of the court-fee or other taxes which are really grinding the people of Bengal.

I believe all these facts had not struck him when he gave notice of such a resolution. Now I think the Raja Bahadur has been convinced that it would be a suicidal policy for us if we request the Government to reduce this tax. Government will be very glad to receive such request. I hope the Raja Bahadur will withdraw this motion, otherwise we ought to oppose it."

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Sir Provash Chunder Mitter): This is a resolution which must be opposed from every point of view, and I would advise my friend, the Raja Bahadur of Nashipur, to withdraw his resolution. Much that I wanted to say has already been said by the previous speakers. One point has been emphasised by every speaker, namely, that this money is not taxation to meet Government expenditure, but it is taxation in favour of the District Board. Now, as we all know, the District Boards have manifold duties to perform, and their income is very limited. Roughly speaking, the income of District Boards is about Rs. 1,25,00,000; deducting augmentation and other Government grants, their income is about Rs. 95,00,000, and out of this they have to spend over Rs. 70 lakhs for roads and buildings. So that with about Rs. 20 lakhs they have to look to various amenities of a

population of more than 43 millions. The manifold duties that the District Boards are to perform would make it quite clear that it is almost an impossible task which has been given to the District Boards. That being the position, every true well-wisher of the people, and I am sure the Raja Bahadur as a representative landlord is a well-wisher of the people, will realise that this resolution is an ill-conceived one. Now the Raja Bahadur tried to make a point, namely, that the creation of the Union Boards has relieved much of the burdens of the District Boards. Some of the previous speakers, notably Khan Bahadur Azizul Haque, have already dealt with that point. Beyond saying that I agree with him, I do not want to take up the time of the Council in elucidating the point.

I may say generally that the creation of the Union Boards has no doubt added to the activities of the District Boards and improved the rural areas, but it has by no means reduced the financial burden of the District Boards.

I also agree with the previous speakers in this that the resolution contemplates an unworkable scheme. I cannot conceive how the resolution can be given effect to. I do not want to take up the time of the Council any longer. I trust that in the higher and wider interests of even the landlords, the Raja Bahadur will see his way to withdraw his resolution. If he does not, I must oppose it.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: As the House do not want revision at the present moment, I beg leave to withdraw my resolution.

The motion was then, by the leave of the Council, withdrawn.

11 a.m.

Revision of pay of the lower division assistants of the Bengal Secretariat.

Srijut RADHA GOBINDA RAY: On behalf of Babu Surendra Nath Biswas I beg to move that this Council recommends to the Government that the scale of pay of the Lower Division assistants of the Bengal Secretariat be increased from Rs. 60—60—65—4—145—145—150 with a selection grade of Rs. 175—200 to Rs. 70—70—80—8—240—250 with a selection grade of Rs. 275—300.

Mr. President, Sir, I need not uselessly spend the valuable time of this Council by explaining the difference of the Lower Division assistants and the Upper Division assistants in the Bengal Secretariat. Only one thing I must mention, that the Lower Division assistants begin on Rs. 60 and end on Rs. 150 in course of 25 years, leaving of course the selection grade, and a few fortunate experts, eluding all the vagaries of temper of their white masters, happen to be promoted to the Upper Division rank, not always by the sheer dint of merit, but by the degraded and crooked art of flattering the higher officials, their

masters. The Upper Division grade assistants begin on Rs. 125 and end on Rs. 500. The test of entry and the nature of work in the two divisions are, of course, different. But, Sir, I can tell you that about 45 per cent. of the Lower Division assistants are engaged in doing the good work of the Upper Division assistants. The resolution before the House is for increasing the scale of pay of these poor hard-working assistants recruited from the bhadralok middle class of Bengal. The proposed scale of increment is very moderate and reasonable. It is to begin from Rs. 70 and end on Rs. 250, with a selection grade of Rs. 275 to Rs. 300. I am not going to compare the scale of pay which the assistants of other departments of Government get. I want to base my argument upon the merits of the case. The average standard of a gentleman's comfort has been estimated very low by the McAlpin Committee, the Ministerial Officers' Salaries Committee and such other committees appointed by Government. Their recommendations are entirely one-sided, based not upon justice and fair play, but upon considerations of race and colour prejudice which they cannot divest themselves of. Poor assistants drawing Rs. 60 cannot afford to meet the ordinary necessities of life. Their lives are a long course of misfortune. Whenever any resolution for increase of the scale of pay of these poor officers is brought forward, Government opposes it on the ground that it cannot afford to meet the extra expense. We strongly condemn this attitude of Government. The Government can afford to pay princely salaries to the heaven-born services and other superior posts, the Government can afford to pay several thousands to our Hon'ble Ministers and Executive Councillors, the Government can afford to pay by thousands to big white and brown heads of several departments, but whenever the cause of these poor subordinate officers and assistants is put forward for consideration, the paucity of funds becomes the bar. I submit, Sir, the paucity of funds will never cease so long this state of things continues. I cannot conceive how the person or persons who cannot meet their ordinary necessities with several thousands of rupees per month became convinced that the extremely poor pay of Rs. 60 is quite sufficient for these poor assistants. Difference of style and standard of living according to position in life there must be, but such heaven and hell difference, such wonderful difference, such unjust difference, such sinful difference, I must say, as there is in the present order of things is simply intolerable and revolting. An average Bengali gentleman cannot afford to live with his family on a small pittance of Rs. 60. I suggest, Sir, that the whole system of administration of Government should be systematically overhauled and a new order of things based on principle of equity and justice and fair play should be ushered in. The discontent is deep and penetrating. The discontent will gradually bring forth disaster. The new era is dawning. The people no longer will tolerate the inconceivably terrible injustice that has been still in force in the present

state of society, particularly in the matter of salary and arrangement in the present administration. Sir, we in this group of this House are classed as rank obstructionists—virile agitators—without having any sense of responsibility, balance, and so forth. I do assert, Sir, that this idea is the malicious interpretation of our view point by the self-interested group of people whose ease and comfort are liable to be disturbed by our candid and rather bold expression of justice and truth. I claim that we are, perhaps, their greatest friends, though because of our bitter expression of truth we appear before them as foes. Our ideal is to bring about a fair and equitable order of society without any great upheaval. I do claim that our reading of the signs of time is more accurate and the utterances of our group are the sincere expressions of what we feel to be of real benefit to the country, irrespective of any caste, colour, race or group.

Now to the present point, the present scale of pay of the Lower Division assistants in the Bengal Secretariat should be raised to the proposed scale of Rs. 70—70—80—8—240—250, with a selection grade of Rs. 275—300. As regards funds, if funds can be had for improving the pay of the Sergeants, the Police, the C. I. Ds. and posts of other obnoxious European officials, then I think the very modest fund for the increase of pay of these poor assistants will be forthcoming, if the Government views with good grace the justice of the case of these poor people. Facts and figures are well known to the House, and I need not recapitulate them now. With these words, I formally move my resolution.

Mr. A. F. RAHMAN: I support the motion which has been moved by Srijut Radha Gobinda Ray. But looking at the thin House I am sorry that this resolution has not evoked much enthusiasm from the members of this House, but I take it, Sir, that some members of this House indicate their consent to this resolution by their absence. In supporting this resolution, I am not actuated by any philanthropic spirit. All that I desire to place—and it is a genuine desire—all that I desire to place for the consideration of Government is the injustice under which the Secretariat Lower Division assistants have been suffering for the last few years. I confess at the outset that it is difficult for me to place all the questions, for the consideration of Government, but I shall try to mention some of the salient features, and I appeal to Government that they should not delay the consideration of this question any longer. It is an interesting fact that the pay of the Lower Division assistants of the Secretariat of the Government of India is Rs. 80—80—100—8—300 with a selection grade of Rs. 300—25—350. While making a comparison between the work of the assistants of the Imperial Secretariat and that of the assistants of the Bengal Secretariat, the McAlpin Committee observed that the rate of pay in the Imperial Secretariat had been given to

them on a more generous scale for a long time and that this difference should be maintained. I want you to consider that after the introduction of the Reforms there has been a difference in the work of the assistants of the Imperial Secretariat and that of the assistants of the Bengal Secretariat, and the complexity and volume of work of the Lower Division assistants of the Bengal Secretariat has increased, whereas the complexity and volume of work in the Imperial Secretariat has considerably diminished. In other words, the standard of efficiency that you demand from the assistants of the Lower Division in the Bengal Secretariat has been put much higher since 1921. In this connection, it may be necessary to point out that the Auditor-General's office, which supervises the work of all Provincial Accountant-Generals' offices, continues to possess the same controlling power over these officers as before the Reforms, and that although the degree of control exercised by the former over the latter is comparatively greater than that exercised by the Imperial Secretariat over the Provincial Secretariat under the Reforms, yet the Government of India have recently sanctioned practically the same scale of pay for the assistants of the offices of the Accountant-General, Bengal, and the Accountant-General, Posts and Telegraphs, as in the office of the Auditor-General. For example, the scale of pay in the Auditor-General's office is Rs. 70—7—140—6—230; in the Accountant-General's office the scale of pay that has been sanctioned is Rs. 60—8—140—6—230. The case of the Lower Division assistants of the Bengal Secretariat is not inferior rather decidedly superior to that of the assistants of the Accountant-General's office, and I hope that Government will very earnestly consider the revision of the pay and prospects of assistants of the Bengal Secretariat. It has been said, and I think it is admitted, that 45 per cent. of the Lower Division assistants have to do the functions of the Upper Division assistants It is also admitted that the intellectual calibre of the Lower Division assistants is in no ways inferior to that of the assistants of the Upper Division and they belong to the same social status. There is no reason, therefore, why the pay of these officers should not be raised to the same level as in the office of the Accountant-General, Bengal. The Government of India have been pleased to sanction, with effect from the 1st March, 1924, a revised scale of pay of Rs. 60—8—140—6—230 for the Clerical Division of the offices of the Accountant-General, Bengal, and the Accountant-General, Posts and Telegraphs, which are located in Calcutta. Is it not imperative, therefore, that Government should immediately consider the pay and prospects of the Lower Division assistants of the Bengal Secretariat? I would advance two grounds:—

(1) The status of an office depends on the status of its officers. The assistants in the Bengal Secretariat deal mostly with the affairs of the Local Government, whereas the assistants in the Accountant-General's office are merely assistants of

the head of a department. So far as the nature of duties is concerned, the clerical duties in the Bengal Secretariat are comparatively onerous and complicated than the technical work of the Accountant-General, Bengal, and the Accountant-General, Posts and Telegraphs, located in Calcutta, leaving aside only few posts in those offices that do superior technical work. So the argument based on mere difference of nature of work falls to the ground.

(2) The preliminary test for entry into the Lower Division of the Bengal Secretariat is invariably higher than what we demand from the assistants of the Accountant-General's office.

At the present moment, I believe I am correct in saying that there are 73 assistants out of 93 appointments made since 1921 in the Lower Division of the Bengal Secretariat who are B. As and B. Scs. I should like to say that this question has been so ably debated in this Council by Babu Jitendralal Bannerjee on a previous occasion that I do not wish to take up the time of the Council by repeating those arguments. I should just like to say a word or two in this connection. If you review the arguments that were advanced against the revision, you will find that the Hon'ble Mr. Marr took refuge behind the recommendations of the McAlpin Committee and said that the pay of those assistants had been determined upon the cost of living. Does he think that it is possible for an ordinary young middle class man, say a man between 25 and 30 years of age, with two children and a wife, to live decently *in Calcutta* on less than Rs. 120? The pay that has been sanctioned for the Lower Division assistants of the Bengal Secretariat is certainly below the minimum living wage in Calcutta.

11-15 a.m.

Then, again, to refute his arguments, may I point out that in 1919, 1920, and 1921, the Government of India considered this question, and they, solely on the ground of increased cost of living, raised the pay of the assistants of the offices of the Accountant-General, Bengal, and of the Accountant-General, Posts and Telegraphs, once in 1919, the second time in 1923, and the third time in 1924, in the case of the former, and in 1921 and in 1926 in the case of the latter.

Another point that he raised was this, that the scale of pay does attract capable men, but I should like to urge on him that the spread of education tends to raise the standard of living. People are not now satisfied with the standard that they were used to in 1921. Every year the cost of living is rising and the standard of living is also rising. Government should take note of this fact and immediately consider the question of revising the pay of the poorly paid clerks of the Secretariat. I would not like that my claim for a revision of the pay and prospects of these clerks should be lost merely on

such mundane considerations that Government have not sufficient funds. I should like to urge on Government the necessity of recognising the justice of the claims of these people; and if they are once convinced of it, I am absolutely certain that they will be able to find the small amount that is necessary to redress the grievances of the people who have not got any other way of putting forward their case.

Maulvi SYED MUHAMMAD AFZAL: Sir, in supporting this resolution, I wish to place before the hon'ble members some important features which, I think, will justify the scheme for the increase of the pay and prospects of the Lower Division assistants of the Bengal Secretariat.

Sir, everybody knows there are two divisions—one is called the Upper Division and the other the Lower Division—as regards the assistants in the Secretariat.

First of all, like to deal with the qualifications required for the Lower Division assistants and how they are recruited. Now, Sir, the Lower Division assistants are recruited by competitive examination, and although the minimum qualification is that of a Matriculate, the academical qualifications of the candidates who sit for the examination are in no way less than the qualifications of the candidates who sit for the examination held for the recruitment of Upper Division assistants. And, Sir, about 45 per cent. of the Lower Division assistants are engaged in doing the responsible work which Upper Division assistants have got to do.

Sir, the starting pay of the Upper Division assistants is Rs. 125 per month, and this goes up to Rs. 500 per month. Certainly there is a selection grade for Lower Division assistants from Rs. 175 to Rs. 200 a month, but this is limited only to 10 per cent. of the strength of the Lower Division assistants.

Now, Sir, we can very well understand that this is not a living wage.

In 1920, a Committee, which is known as the McAlpin Committee, was appointed. That Committee inquired into the pay and prospects of the assistants of the Secretariat. The Writers' Buildings Association pressed for a starting pay of Rs. 75 per month for the Lower Division assistants. But unfortunately the McAlpin Committee did not accept the suggestion. The Writers' Buildings Association remained unsatisfied. The Committee based its decision on such things as house-rent, wholesale prices of food-stuffs and other necessaries of life. But, Sir, I submit that this was not a proper procedure to follow for the reason that a Lower Division assistant, who gets about Rs. 60 a month, does not buy his food-stuffs or any other articles at wholesale rates.

This was in 1920, but since 1920 it is now about 8 years. The present economic conditions, as we all know, are absolutely different from what they were in 1920. Everything is very much dearer than it

was 8 years back. House-rent has gone up, educational expenses of children has gone up, the prices of food-stuffs, clothes, etc., have gone up—indeed the cost of all necessaries of life has gone up except items of luxury and comfort with which these assistants are not concerned at all.

Sir, the Government of India has recently sanctioned a revised scale of pay for the clerks of the Auditor-General's office, which has become virtually the same as that of the clerks of the Accountant-General's office. The starting pay of the Accountant-General's office is Rs. 70 and ends at Rs. 230, while the pay in the Accountant-General's office in Calcutta starts on Rs. 60 and ends at Rs. 230. I will now state the pay in the offices of the Accountant-General, Posts and Telegraphs, and Accountant-General, Central Revenues: The pay of the clerks of these two offices has been revised mainly on the ground of increased cost of living since 1921, and the starting pay has been made Rs. 60 and the maximum Rs. 230, and all these offices are in Calcutta.

I shall touch on only one point more, as this question was discussed threadbare on a previous occasion. Sometimes a proposal is not agreed to, as it is not practicable on account of financial considerations. I remember, and a reference to the proceedings of the last Council in this connection will show, that Mr. W. L. Travers enquired what would be the cost of the revision of grade. The Hon'ble Mr. Marr very tactfully avoided the possibility of the European group voting in favour of the resolution, and said in reply that he did not work out the figures; but Babu Jitendralal Bannerjee told him that it would mean ultimately an increased expenditure of a lakh of rupees. I see in the proceedings that Babu Jitendralal Bannerjee said, that immediately at present, it would not exceed Rs. 10,000, and even that would not take place within 10 years. Besides, the cost of one lakh is merely an academical figure, as all the assistants will never get the maximum of the scale in a single day. Therefore, ultimately, the cost will never exceed Rs. 20,000 approximately, as many assistants will begin the scale and only a few of them will draw the maximum. This is proved by the fact that in the whole Secretariat only 3 or 4 assistants are in the selection grade posts, although there is a provision for about 20 of them. There is another side of the question: Government sometimes do not entertain a proposal for want of money. But the Police Budget for five lakhs and so on, all merely falsify such motives and arguments. For this legitimate purpose such a petty amount must be available and found.

I think this gives me an additional ground and argument to put forward to you that the scale of pay of the Lower Division assistants should be increased.

From these facts, Sir, I think I have made out a good case for the poor assistants of the Lower Division assistants of the Secretariat and fervently hope that Government will accept the resolution.

Mr. JOGESH CHANDRA GUPTA: I beg to move that the question be now put.

Mr. M. ASHRAF ALI KHAN CHAUDHURI: Since it was only in last February that I moved this resolution, I do not think I should keep quiet and give a silent vote, and that is the reason why I am getting up to give my moral support to it. After all, it is the inner man who is counted. The only thing is whether the Lower Division men should be paid as at present or not. The root of all this is whether this is a living wage or not. I do not like to repeat the arguments which have been advanced by the speakers as regards the comparison of the pay of the other offices with that of the Secretariat. As I submitted before, this is not a living wage.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): Mr. President, Sir, this question, as the last speaker has said, has already been discussed by this House in the current year. In February last Mr. Ashraf Ali Khan Chaudhuri moved a resolution that the pay of the Lower Division assistants of the Bengal Secretariat should be raised from the present scale to a time-scale of pay Rs. 60 to Rs. 200, with a selection grade on Rs. 200—25—250, limited to 15 per cent. of the number of Lower Division assistants. To that resolution Mr. J. L. Bannerjee moved an amendment, that a revised time-scale of pay of Rs. 70—70—80—240—250, with a selection grade of Rs. 275—300, be sanctioned for the Lower Division assistants. That is exactly the scale which is now being discussed on the resolution which has been proposed by Babu Radha Gobinda Ray; and the same arguments which were used before have now been advanced. Really, I can only repeat what I said then. The whole position was thoroughly examined by the McAlpin Committee. That Committee referred to this particular question, and I should like to repeat what they said in their report about this:—

> "The pay of the whole establishment of the Secretariat was revised in the year 1910; that of the Lower Division was changed in the year 1919, and a time-scale introduced. Our proposals for the present revision of pay are based on the rates in existence before 1919, as the main object of the revision of that year was the improvement of the pay of the Lower Division for the benefit of the existing incumbents who had memorialised Government on account of the increase in prices."

Then, they went on to suggest a scale. On their arguments, the present scale has been fixed, namely, a probationary period of 2 years on Rs. 60, then confirmation on Rs. 65, rising to Rs. 150, with a selection grade at Rs. 175, rising to Rs. 200 for clerks of special merit, limited to 10 per cent. of the Lower Division in each department. That is the present position, and that scale was fixed in 1921, on the basis of the cost of living then.

Now, Mr. Rahman and, I think, Maulvi Syed Muhammad Afzal both argued that prices have risen since then. All our figures go to show that prices are lower, at any rate they are not higher than those prevailing in 1921. Therefore, if the argument for raising the pay be based on that account, it must fail. I think it was Maulvi Syed Muhammad Afzal who made a comparison between the Lower and the Upper Divisions. As I said before, these are two separate services altogether. They are recruited separately and do separate work, and it is only on account of special merit that a certain number of good men in the Lower Division ultimately receive promotion to the Higher Division. I think all the three speakers made a comparison between the pay of the clerks in the Lower Division of the Secretariat and the pay of the clerks in the offices of the Accountant-General, Bengal, and the Accountant-General, Posts and Telegraphs. One other office was mentioned, viz., the Auditor-General's office. I do not understand what office is referred to, as there is no Auditor-General in Calcutta. It appears to me that a comparison between these offices cannot be made, because the nature of the work done by these clerks is totally different; and as the work is totally different it should be paid for on different scales. Therefore, any comparison between the pay of these offices seems to me to be beside the point.

There is one other point which I should like to mention—I think Mr. Rahman referred to it. If it could be argued that we could not get suitable men on these scales, there might be some point in the resolution which has been moved.

11-30 a.m.

I have with me the figures for the last four competitions. In 1925 there were 460 candidates appearing when the number of vacancies was 35, of which 17 were reserved for Muhammadans. In 1926 there were 164 competitors for 23 vacancies, of which 18 were reserved for Muhammadans. In 1927 there were 249 competitors for 23 vacancies, of which 14 were reserved for Muhammadans. This year 228 candidates appeared for 19 vacancies, of which 11 are reserved for Muhammadans. These figures, to my mind, prove clearly that there is keen competition for vacancies in the Lower Division. On all these grounds I must oppose the resolution.

The motion of Srijut Radha Gobinda Ray was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimeddin.
Ahamad, Maulvi Kasiruddin.
Ali, Mr. Altaf.
Bagchi, Babu Bomos Chandra.
Baksh, Maulvi Kader.
Banerjee, Mr. A. C.
Basu, Babu Sasi Sekhar.
Bose, Babu Bejay Krishna.
Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.

Choudhury, Maulvi Khershed Alam.
Das Gupta, Dr. J. M.
Dutt, Babu Saral Kumar.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Shamsur-
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijay Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Shah, Mr. Gholam Hossain.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Ghose, Mr. M. C.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Reid, Mr. R. N.
Sashee, Mr. P. A.
Stapleton, Mr. H. E.

The Ayes being 48 and the Noes 18, the following motion was carried:—

"This Council recommends to the Government that the scale of pay of the Lower Division assistants of the Bengal Secretariat be increased from Rs. 60—60—65—4—145—145—150 with a selection grade of Rs. 175—200 to Rs. 70—70—80—8—240—250 with a selection grade of Rs. 275—300."

Revision of the pay of the typists of the Bengal Secretariat.

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: Sir, I beg to move that this Council recommends to the Government that in place of the existing scale of pay of Rs. 45—5/2—100, a time-scale of pay of Rs. 60—4—140 and of Rs. 150—6—180 be given to the typists and superintendents of the typing section, respectively, of the Bengal Secretariat, with effect from the 1st April, 1928.

I hope there is no one in this House who will question the reasonableness of this demand. The scale of pay of the Secretariat typists is very low, as will appear from the resolution. In considering their salary, the Salaries Committee remarked that they were not very competent and that their knowledge of English was not up to the mark. Now, Sir, there are many typists who are fully qualified. In the

Imperial Secretariat the pay of the typists is much higher, and their grade is the same as that of the Lower Division clerks. That their pay is small is undoubted, and it is very difficult for them to meet the high cost of living prevailing in this city. With these words, I commend my resolution to the acceptance of the House.

Mr. M. ASHRAF ALI KHAN CHAUDHURI: Sir, in moving the resolution that stands in my name, and which is identical with the one moved by the Maharaja of Mymensingh, I beg to say that it has been, as is patent, my consistent aim to ameliorate the miserable condition of the poor typists in the Bengal Secretariat. At the outset, I may say at once that the scale of existing pay is certainly extremely inadequate in these days. The scale is certainly not a living wage. The Minority Report of 1921, when the prices of primary food-stuffs were as prohibitive as they are now, bears out the fact that Rs. 50—3—125 would be the minimum salary of the typists, but in fixing the pay of the typists the Salaries Committee rejected the Minority Report and came to the conclusion that the "typists as a class are inefficient, because their education generally and knowledge in English in particular are poor." This argument, I may submit, is based on a strong misconception. That education of the typists, when closely analysed, will lead one to the irresistible conclusion that it is more than average and serves the purpose of Government in all respects quite satisfactorily —nay, is equal to those of the Lower Division clerks. For how is it possible for them to decipher the scribblings which are not always very easy to decipher? Could you possibly expect a typist with a meagre education to type matters of an intricate and complex character neatly and accurately and to the satisfaction of the officials concerned, without sufficient education in him? I for one would be the last person to believe it.

Sir, at the present moment, the typists are recruited from amongst men more qualified than the Salaries Committee prescribed. They are to be Matriculates at the least, and even I. As., I. Scs and graduates are forthcoming. The essential quailfication for a Lower Division clerk is the passing of the Matriculation Examination and the Clerkship Examination of the Secretariat. The former is also the requisite qualification for a typist, but his disqualification is that he lacks in the latter. As a matter of fact, the poor typists are, on more occasions than one, dragged into the arena of clerkdom and called upon to do the clerical work whenever necessary, and the typists have to bear the brunt with fortitude and calmness, for their hands are tied and have no bap, no ma in the Secretariat. And in doing the clerical work if they commit errors and omissions, which they are naturally liable to on account of their inexperience, they are not saved from the gallows, and punished. Does this, I put in this straight and simple question with all the empahsis that I can command, stand to reason and conscience? The pity is,

these typists are penalised for clerical errors, but banned from getting any higher pay, without any reason or rhyme, simply because by a strange irony of fate they happen to be denominated as "typists."

Now, sir, if we compare the scales of pay of the typists in the Bengal Secretariat with those of the other Provincial Secretariats, and of the Imperial Secretariat, we find that there is no separate scale of pay for typists and Lower Division clerks anywhere but Bengal. The scales are as follows:—

Imperial Secretariat—Rs. 80—80—100—8—300.

Bombay Secretariat—Rs. 60—6—190.

United Provinces and Punjab Secretariat—Rs. 45—3—75—5—150.

Bengal Secretariat—Rs. 45—5/2—100.

I fail to understand why the pay of the typists of this province, which is the premier province in India, should be abnormally low and ridiculous to my mind. The work of the Secretariat typists is in no way less intricate and responsible than the typists of the other provinces or the Government of India, and if we take into consideration the statistics for the last 50 years, what do I find? Not a single soul enjoyed the Government pension—all died while in service!

It may be contended that as the prices of the food-stuffs are falling down, no increase in the pay of the typists is justifiable. I submit this argument is absolutely untenable. Rice, which is the staple food of Bengal, has gone up in price since the McAlpin Committee's report. There has been no decrease in the rent of small houses nor in the prices of the bare necessaries of life, e.g., milk, fish, ghee, etc. The Government servants elsewhere are entitled to free medical attendance; the typists in Calcutta (I do not know of the clerks) are not. In some of the provinces, I understand, they have been provided with Government quarters, whereas in Calcutta no such attempt has ever been made. Sir, a reference may be made to the Bengal Secretariat Co-operative Society, if necessary, to ascertain the degree of indebtedness which prevails amongst the typists in the Bengal Secretariat. Does anybody like to contract debts unless forced to? The reason is not far to seek. The typists have to maintain a large number of dependants, and it is, therefore, impossible, with due regard to their prestige and position in society, to make both ends meet without incurring debts. Incidentally, it may be mentioned that the Bengal Retrenchment Committee recommended no reduction of pay below Rs. 250 (vide paragraph 395 of the Committee's report). This indicates that the barest living wage in Calcutta cannot be less than this amount.

Sir, the extra cost that would be involved in giving effect to this resolution is shown in the following table:—

Extract cost: Approximate number of typists 58.

EXISTING SCALE.

Rs.	Average cost.	Ultimate cost.
45—5/2—100	Rs. 70-10-8	Rs. 70-10-8×58= 4,098-10-8 per month.

SCALE PROPOSED.

60—4—140	Rs. 102-12-2	Rs. 102-12-2×58= 5,960-1-8 per month.

Extra cost=Rs. 5,960-1-8—4,098-10-8=1,861-7 per month×12=22,337-4.

Rupees 22,337-4 can, I have every reason to hope, be safely spared from the coffers of the Government of Bengal, if only the Government have a mind to do so. I do not like to take up the time of the Council any more, but having regard to the explanation advanced by me, I would commend the resolution to the acceptance of the Council.

11-45 a.m.

SECRETARY to GOVERNMENT, DEPARTMENT of FINANCE (Mr. A. Cassells): Mr. President, Sir, I rise to oppose this resolution. The argument used by the previous speaker is mainly a question of the cost of living. It is significant that no arguments have been used at all to show that it is necessary to raise the pay in order to secure a suitable class of typists, nor has it been argued that the work which the typists do is incommensurate with the pay which they receive. The main line of argument is that the typists would like to have more pay because they would like to have higher standard of living. Now, I think that is an argument which might be used by most classes of Government servants, and not only by Government servants, but by most classes of the community. Everyone desires to increase his standard of living, that is to have more money to spend! But Government in fixing the pay of its servants has not merely to consider what they would like to spend, but what is the reasonable amount which it should offer in order to secure the men required to do the work in question. In 1921, the question of pay of these typists was considered along with the question of the pay of other Government servants. The Committee which examined the whole question, examined particularly this question of the typists' pay, and their recommendation was that the pay which existed then—Rs. 40, rising to Rs. 80—should be increased to a scale of Rs. 45, rising to Rs. 100, and that is the scale

now existing. It is now said that that scale is inadequate. One reason given is that the cost of living has risen since 1921. Our information is that the cost of living has not risen at all, or to an extent that would justify a change in the scale now. It is Government's business to make a proper use of public funds and not to spend more than is required to attain its object, i.e., Government is not called upon to pay more than the market rate for a particular class of servants. Now, no one has used the argument that Government is paying less than the market rate for typists. It is not stated that employers in other offices or employers, except those in the Government of India offices, are offering more than the Bengal Government now gives. If you take the general standard according to which typists are paid in Calcutta, the Government rate will compare very favourably with those existing elsewhere. The posts are attractive on the present rates of pay, to which prospects of pension and also of promotion have been added, and the proof of that is this: This year we advertised five vacancies in the post of typists in the Secretariat, and 426 application have been received. Now when we get 426 applications for five vacancies, it cannot be argued that the posts are unattractive or are illiberally paid. The mover referred to the fact that there was no prospect of promotion for them, and that they could not become clerks. It is true they cannot become clerks, because the clerks are recruited by means of a separate examination, and higher qualifications are required of them. But the typists have promotion in their own line: They take up a definite profession as it were; they receive education of the Matriculation Standard, then have a certain training as typists in order to qualify for these posts, and they can attain a maximum pay of Rs. 100. They are not required to work as shorthand-writers or stenographers. Above the scale of typists, pure and simple, there are posts of stenographers from Rs. 100 to Rs. 240 and from Rs. 250 to Rs. 350. The typists have definite prospects of promotion to these posts in the Secretariat. Under the rules in the Secretariat Instructions, "vacancies for stenographers shall ordinarily be filled from the ranks of typists and others already in the service of Government who have fitted themselves for such posts." Therefore, it is open to these typists, by qualifying themselves, further to attain the rank of stenographers and earn a salary to a maximum of Rs. 350. It is true that the cost of these proposals is a little over Rs. 20,000 a year, as the mover has said. But that is not the main principle. The main principle is that Government should pay a rate—a reasonable rate—not below the market rate. It is not the duty of Government to be liberal with Government funds and increase the pay, in order to produce social amelioration by raising the standard of living. That is another problem and not one which can be tackled in this way by forcing up the rates of pay of Government servants. Government has to pay a rate not below the market

rate, and it is now paying that rate. That the posts of typists in the Bengal Secretariat are not unattractive nor illiberably paid is shown by the fact that so many applications were received for five vacancies. In view of these facts, I submit that it will not be proper for Government, and the present time is not the opportune time, to add to the public burdens by being unnecessarily liberal in raising the scale of pay of these men.

The motion of Maharaja Shashi Kanta Acharjya Chaudhuri, of Muktagacha, Mymensingh, was then put and a division taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Ali, Mr. Altaf.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kadar.
Basu, Babu Sasi Sekhar.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Farequi, Khan Bahadur K. G. M.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. Satish Chandra.
Sen Gupta, Mr. J. M.
Shah, Mr. Gholam Hossain.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Ghose, Mr. M. C.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Prevash Chunder.
Mumin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sashse, Mr. F. A.
Stapleton, Mr. H. E.

The Ayes being 50 and the Noes 21, the following motion was carried:—

"This Council recommends to the Government that in place of the existing scale of pay of Rs. 45—5/2—100, a time-scale of pay of Rs. 60—4—140 and of Rs. 150—6—180 be given to the typists and

superintendents of the typing section, respectively, of the Bengal Secretariat, with effect from the 1st April, 1928."

12 noon.

Mr. A. K. FAZL-UL-HUQ: The resolution that stands in my name is this:—

"This Council recommends to the Government that the system of trial by jury be abolished in Bengal in areas outside the jurisdiction of the Hon'ble High Court."

Sir, since I gave notice of this resolution, I have been asked by a large number of my friends not to press this resolution for reasons which I do not think I need discuss in this Council. Personally, I do not understand this grievance on the part of my friends. I am sure the heavens will not fall or even the Council Chamber tumble down, if I had moved this resolution or even pressed it to a division. But, Sir, since there is this feeling, I do not wish to go against the very strong expression of opinion of my friends, and in that view of the matter I would ask your leave not to move this resolution. But I hope, since I have given notice of this resolution, you will give me a few minutes' time to make a short statement of the reasons which led me to give notice of this resolution.

Mr. PRESIDENT: I see you are not moving your resolution.

Mr. A. K. FAZL-UL HUQ: I do not propose to move it.

Mr. PRESIDENT: In that case, I do not think any further explanation is necessary.

The motion of Mr. A. K. Fazl-ul Huq was, therefore, deemed to be withdrawn.

The following amendment failed:—

Maulvi TAMIZUDDIN KHAN to move, by way of amendment to the motion of Mr. A. K. Fazl-ul Huq, that the following be added to the resolution, namely:—

"if recommended by a Committee of five members of this Council, of whom one shall be a European, two Hindus and two Muhammadans and of whom not more than two shall be officials, to be elected by this Council, after a full enquiry into the working of the jury system in this province in regard to—

(*i*) qualifications of jurors,

(*ii*) manner of their recruitment,

(*iii*) verdicts in communal cases,

(*iv*) representation of various sections of the populace, i.e., Hindus, Muhammadans and Christians,

(*v*) standard of honesty, and

(*vi*) such other cognate matters as the Committee may deem expedient."

Dredging of the Anjana river.

Khan Bahadur Maulvi AZIZUL HAQUE: On behalf of Mr. A. C. Banerjee, I beg to move that this Council recommends to the Government that immediate steps be taken to dredge and such other measure or measures as may be necessary be adopted to open out the Anjana river in the district of Nadia, with a view to maintain its flow throughout the year.

Very few words are needed from me to impress the House as to the necessity of taking steps with a view to reclaim the river Anjana. This river passes by a number of villages in the Nadia district. As far as the geographical situation of the district is concerned, the hon'ble members will kindly notice that much of its water-supply, sanitation and public health depend upon the free flow of the rivers Anjana and Jalangi and other rivers in Nadia. Unfortunately, one after another, most of the rivers are drying up, and it is time for Government to take steps to dredge and reclaim these rivers. The Irrigation Department, some time back, said that the river Jalangi, which is connected with the river Anjana is now a permanently flowing river. Owing to erosion, it is expected that the river padma will come more and more to this side of the district. I think it is time for the Irrigation Department to watch the river Jalangi, as a great deal of this district will improve in sanitation as well as its water-supply will improve if this river is reclaimed. So far as the Anjana is concerned, the finances will probably not allow the Government to keep this as a permanently flowing river, but that it should be kept open as a flood-water channel, if to be kept open as a flushing of the whole system. Will the Irrigation Department kindly consider this? Even if it may not be possible to keep some of the rivers permanently flowing, it might still be possible to keep them open as flood-water channels. I think that immediate steps should be taken for reclaiming the river Anjana which has still some connection with the river Jalangi during the flood time. Much will depend upon the level within the municipal town of Nadia (I think the level has gone up), but it extends only over a small area and by easy cuts the river Anjana can easily be connected with the river Jalangi. It is not probably known to the House that the river Anjana is connected with the Jalangi by a small channel through the town of Krishnagar, and if this channel is kept free from all obstruction it is possible that the Anjana will flush out. The river Anjana passes

through a large number of villages in the Sadar subdivision and Ranaghat, through Hashkhali and Krishnagar, and these villages will derive great benefit if the river be reclaimed. I would have referred this matter later on to the Irrigation Department to see what could be done to improve the general condition of the rivers in the Nadia district without much financial embarrassment to Government, but in view of the fact that my friend Mr. A. C. Banerjee tabled this resolution, I took this opportunity of moving it on his behalf.

Mr. A. C. BANERJEE: I am sorry and I must apologise to the House for not being present in the Chamber when the resolution standing in my name was reached. I expected a tremendous uproar over my friend, Mr. Fazl-ul Huq's resolution, and I was waiting in the lobby for it. Mr. Fazl-ul having refrained from moving it, my resolution was suddenly reached. I am thankful to my friend Mr. Azizul Haque for moving the resolution which stood against my name in my absence. In support of the resolution, I should like to point out to the House that the river Anjana, which was a navigable river some few years ago, has now silted up to such an extent that for the better part of the year its bed is very dry, and bullock-carts can ply their trade on its bed. This river irrigates an area (figures for which were given to me by Government some months ago) of something like 76 or, in round figures, 80 square miles, inhabited by something like 50,000 inhabitants. In view of the fact that the water-supply in this area is very scanty, there are after all in this area no more than 23 District Board wells and about 40 tanks which give potable water. Just imagine that for an area of 80 square miles, with a population of 50,000, there are for the supply of drinking water 22 District Board wells and 40 tanks only. I would say that although the water of these tanks is described officially to be potable, they are not ordinarily healthy or wholesome for drinking purposes. In my own village, there is a tank—one only—the water of which was declared officially to be potable, but I know that by the use of that water something like 50 per cent. of the people of that village got typhoid fever only recently! But Government reports are Government reports. They are not influenced by the actualities or the real facts. When there is a famine, they will not acknowledge that there is a famine; when there is poisonous water, they will say that the water is potable! But, after all, whose lives are concerned?

12-15 p.m.

If the life of a single European had been involved in this connection, I am perfectly certain that some Commission, similar to the Lee Commission, would have been appointed, and several lakhs of rupees would have been provided for and spent for the purpose of saving of that one life, because it was a white man's life! Thousands and thousands of men are dying of typhoid fever, cholera, and other deadly

diseases, and there is no drinking water available in sufficient quantity which is free from murderous poison, and still Government have been thinking over the question for the last 10 years, and neglected its solution with callous indifference. So far back as in 1920, a scheme was prepared; after that, there was another scheme, and still nothing has been done to re-excavate and open out this river. What is it after all which we have got to do in this connection? I have a Government report which says that all that you have got to do is to re-excavate some portion of the Anjana river and just to have a cut from what is known as the Helar khal and the Chapri bhil and to link it up with the Jalangi. The proposed cost would be Rs. 5,00,000, more or less. That sum Government should not grudge, as the improvement of the area means giving relief to the inhabitants of that area. I hope in the name of humanity this House will accept this resolution. Once the resolution is accepted, I hope Government will take steps for the purpose of giving effect to it and not sit upon it or ignore it, as the Government often does, in defiance of public opinion. I, therefore, have great pleasure in supporting the resolution moved by my friend, Khan Bahadur Azizul Haque, on my behalf.

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): The scheme to which this resolution refers is one for the improvement of the health of the town of Krishnagar and the district of Nadia. In 1925 a scheme was prepared, which was to cost over four lakhs, to induce a flow from the Jalangi river by opening out the silted-up bed of the Anjana river from Krishnagar town to the Jalangi.

On examination, the Public Health Department came to the conclusion that the scheme would not be successful. The water-supply would have been insufficient to flood the countryside with silt laden water and destroy the mosquito larvæ.

The scheme was, therefore, dropped by the Public Health Department.

It was, however, suggested by the Chief Engineer of the Irrigation Department that it might be possible to obtain a sufficient supply of water by making a cut from the Helar khal to the Jalangi at a point near Bandarkhola.

In order to find out if this modification of the scheme is likely to be successful, a careful survey is necessary; levels have to be taken, and the floods have to be watched over two seasons. The survey is completed, but the report has not yet reached me.

If the result of the observations is that there is sufficient water and that the levels permit the Anjana to be flushed with Jalangi water through the proposed cut, then my department will report to the Local Self-Government Department, that the scheme is practicable.

That department will then decide whether it can finance the scheme.

Meanwhile, we do not know whether the scheme is practicable or not, and if the mover presses his resolution, we shall oppose it.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I have heard the remarks made by the Hon'ble Member. It seems to me that we ordinary people, who are not experts, believe in the theory which has been put forth in the opinion on the Primary Education Bill by the District Magistrate of Jessore, namely, that experts are more embarrassing than helpful. We have some connection with District Boards and Municipalities. I happen to be a Commissioner of the Municipality of Krishnagar and the Vice-Chairman of the District Board of Nadia, and I have got personal knowledge of the entire area through the Krishnagar town. Government, it is true, prepared a scheme of four lakhs in this connection; it was very unfortunate, because I knew that Government would not spend that sum within a reasonable time. Therefore, I suggest that if Government are prepared to give us an assurance that they are ready to spend a modest sum of Rs. 25,000, we will be satisfied that something has been done. But we have no such assurance from the Government; on the other hand, I find a good deal of attention is being paid on the question as to whether it is the work of the Public Health Department or of the Irrigation Department or some other department. It is embarrassing to us, because we poor people do not understand that one particular subject should be the concern of three departments. I personally moved this resolution, because I knew that Government were not doing all that was necessary. If we are assured that the Irrigation Department is doing all that it should do, I would have withdrawn the resolution. I know from personal knowledge that if Government would only spend a sum of Rs. 25,000 to Rs. 35,000, it would be possible to have a cut through the town of Krishnagar and to re-excavate the municipal portion of the river Anjana. The Anjana is a flowing stream, at least in the rainy season. To drain in the silt-laden water from the Jalangi to the Anjana is possible if only a small cut is made, and it would be a modest task involving Rs. 30,000 or so. I think Rs. 25,000 may be just sufficient to open out a small stream through the Krishnagar portion of the Anjana river, from which the rural population would also be greatly benefited.

As regards the Helar khal portion, I have personal knowledge of it. I am sure if the Hon'ble Minister and the Secretary, would take the trouble of personally inspecting the area, without taking their expert Engineers, they would be convinced that it is possible to open out another khal by which the flood water could be drained into during the rainy season. I hope they will go personally there to satisfy themselves that it is only a very modest task. Some of the existing rivers and waterways are still sufficiently flowing during the flood

season. I can assure the Hon'ble Member that I am quite aware of the difficulties of the country, and I only want waterways to be flowing during the flood season.

If Government is earnest and appoints a small Committee of experts and non-experts, with the District Officer and representatives of the local self-governing bodies—District Boards and Municipalities—for the district of Nadia, I believe they will be able to evolve a good scheme. For these reasons, I am not tempted to withdraw the resolution.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I have already said that it is not with the Irrigation Department. If our opinion is necessary, we shall advise the Local Self-Government Department and they will decide whether they can do it or not.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and a division taken, with the following result:—

AYES.

Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjee, Mr. A. C.
Basu, Babu Sasi Sekhar.
Bose, Babu Bejoy Krishna.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Haque, Khan Bahadur Maulvi Azizul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Maiti, Babu Mahendra Nath.
Meitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray Chaudhuri, Mr. K. C.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarker, Babu Naliniranjan.
Sen Gupta, Mr. J. M.
Shah, Mr. Gholam Hossain.

NOES.

Blair, Mr. J. R.
Casselis, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Ghose, Mr. M. C.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf.
Hussain, Maulvi Latafat.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Prevash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.

The Ayes being 37, and the Noes 21, the following motion was carried:—

"This Council recommends to the Government that immediate steps be taken to dredge, and such other measure or measures as may be

necessary be adopted to open out, the Anjana river in the district of Nadia, with a view to maintain its flow throughout the year."

The following resolution was not put, as it was covered by the foregoing decision of the Council:—

Mr. M. ASHRAF ALI KHAN CHAUDHURI: "This Council recommends to the Government that in place of the existing scale of pay of Rs. 45—5/2—100, a time-scale of pay of Rs. 60—4—140 and of Rs. 150—6—180 be given to the typists and superintendents of the typing section, respectively, of the Bengal Secretariat, with effect from the 1st April, 1928."

12-30 p.m.

Formation of a Committee to inquire into the condition of the Ghagra stream.

Maulvi KADER BAKSH: I beg to move that this Council recommends to the Government that a Committee be formed consisting of the following gentlemen to inquire into the condition of the Ghagra stream which passes through the heart of the town of Dinajpur and to devise means as to how the evil created by the same may most effectively be dealt with:—

(1) the Director of Public Health, Bengal;
(2) the Executive Engineer, Rajshahi Division;
(3) the Chairman, Dinajpur District Board;
(4) the Chairman, Dinajpur Municipality;
(5) Babu Jatindra Mohan Sen, B.A., B.L., Vakil, Government pleader, Dinajpur;
(6) the District Engineer, Dinajpur; and
(7) the mover,

the number of members necessary to form a quorum shall be four.

Dinajpur is an old and historic town. It was the capital of independent kings for generations. Some centuries ago, it was a very big town, very densely populated, but at the present day the population is about 18,000 scattered over an area of little over 4½ sq. miles.

Like all old towns, it has been neglected, and its sanitary condition has gone from bad to worse within the last hundred years; the population is fast decreasing, and the general health of the people degenerating. The present Maharaja of Dinajpur, a scion of one of the oldest and noblest families of Bengal, a generous and noble-hearted, public-spirited young man, always desirous of doing work of public utility, has not been able to do all what is needed for the improvement of the town—its wants are too numerous, and it can hardly be expected of one single man to attend to all these wants of so diverse a nature. His

father, late Maharaja Bahadur Sir Girija Nath Roy of revered memory, excavated the Girija Canal at an enormous cost, along the north and west side of the town, to save it from occasional inundations from the river.

Now, Sir, the insanitary condition of the town is due to the non-existence of any drainage system in this town. The Ghagra stream, which has most appropriately been called a stagnant nullah, and which is responsible for the insanitary condition of the town, works for a few days during the rainy season as the only drain for the town. The insanitary condition of this kutcha nullah can be better realised than described by visiting and inspecting the locality. The Ghagra was once a big navigable river in good olden days, but gradually it got silted up by deposits of soil and mud. It passes through the most populous part of the town.

There is also another short kutcha nullah in the northern part of the town, the condition of which is still worse. Mr. F. G. Griffin, Chief Engineer, Public Health Department, in his note on Dinajpur Drainage in the year 1925, says:—

"The two drains, the Ghagra nullah and the Kachai nullah, are well known to all who have inspected Dinajpur.

The population of the town is decreasing every year, and the sanitary condition of the town is most deplorable. Thousands of cases of malaria, kala-azar and several cases of black water fever and typhoid occur every year, ending most fatally in the majority of cases. In 1924, 10 cases of black water fever occurred mostly in families living on the sides of Ghagra, the majority of which ended fatally. The town is visited by cholera every year. In April and May last, cholera broke out furiously, but for the preventive measures taken promptly both by the Municipality and by the general public, hundreds of souls would have been carried away. This time also most of the cholera cases were reported from the Ghagra banks. In one house, situated near the Ghagra, within the course of 24 hours, 10 or 11 cases of cholera occurred—5 or 6 ended fatally. I shall now give you a brief description of these two nullahs: These two drains—the Ghagra nullah and the Kachai nullah—are well known to all who have inspected Dinajpur, and a detailed description is not necessary. These are two kutcha channels. The Ghagra is a depression which starts from the river, enters the town at its north-east corner, and after a winding course through the town, is finally led to the Punarbhaba river. The whole length would be about 2 miles within the town area. The Kachai nullah is shorter, and runs from the northern part of the town southwards to join the Ghagra nullah at the end of its first bend. The beds of the nullahs being kutcha, deposits of earth have been formed at various parts, so that the levels are very varying and unequal. The sullage of the most populous part of the town finds its way to the nullahs, and in

the dry months pools of sullage and collections of fermenting mud are formed which are offensive to the sight and smell. The sullage from houses on the west bank of the Ghagra is, in many places, led by pucca private drains which end short of the nullah, so that in many places the bank of the nullah becomes a series of sludgy masses. That these conditions form a nuisance is undoubted, as they are a nuisance and eye-sore obviously to all, and general opinion in Dinajpur would ascribe all the evils in the town to this—black water fever, malaria, kala-azar and fever generally. Now the question arises whether the abatement of the sullage nuisance is the project most necessitous for improving the health of the town. There is no doubt that the removal of the sullage from a populous area is a consummation to be always aimed at—the amenities of the area are highly improved and the health of the town should benefit.

The following may be cited as reasons for abating this nuisance:—

(1) the sullage is offensive and unsightly and gives rise to obnoxious smell and germs of infectious diseases;

(2) it is dangerous in that it contains the germs of the diseases like typhoid, cholera, dysentery and black water fever; and

(3) it contaminates the sub-soil water from which the water-supply of the town is drawn by shallow wells."

This is the view of Major Stewart and that of Mr. Griffin with regard to these two nullahs and the other drainage matter in the town of Dinajpur, as embodied in his letter addressed to the Director of Public Health about a year ago.

Mr. F. C. Griffin, Chief Engineer, Public Health Department in his report on the drainage of Dinajpur says:

"Malaria accounts probably for most of the morbidity of a serious nature in Dinajpur. It was reported that about 10 cases of black water fever occurred in Dinajpur in 1924, of whom the majority were fatal. This leads to a serious aspect to the present prevalence of malaria in the town areas. I inspected several of the wards with the Health Officer, and though there was not time to make accurate observations, I examined several children with enlarged spleens, obviously of malarial origin. I also noted several cases of kala-azar, some of a serious nature."

Dr. Bentley's report on anti-malarial operations at Dinajpur is most significant. It reviews the situation in a comprehensive manner. I need not dwell on it. Dr. Bentley, and after him Major A. D. Stewart with Mr. E. C. Griffin, visited Dinajpur, and specially inspected these two nullahs, and they, after thorough examination were convinced that the present deplorable state of health and the prevalence of malaria, kala-azar, black water fever, typhoid and cholera is mainly due to the insanitary condition of these two nullahs which pass through the most populous part of the town. They spread germs of these diseases.

The whole town will be depopulated in no time if these two nullahs are allowed to remain in their present insanitary condition. They suggested that to prevent the population of the town being wiped out, the insanitary condition of these nullahs should be removed immediately, and steps should be taken to devise some scheme to deal with the nuisance adequately and efficiently. They were further of opinion that such a scheme is neither an impossibility, nor would it involve enormous cost.

A scheme was submitted in 1914. This, however, was not financed and nothing was done.

His Excellency Lord Lytton visited the town in 1924 and inspected the nullahs at different places. The people appealed for some action to be taken towards the drainage improvement by removing the nuisance created by these nullahs. They were told by His Excellency that if they would submit a scheme, with a definite proposal, Government would consider the possibility of financing it.

Now, Sir, I have given you a brief description of the Ghagra nullah and the Kachai nullah and the havoc they have been creating year after year in the town. I have also tried to explain how, in the opinion of the authorities of the Health Department and reports, the removal of the nuisance created by the present condition of Ghagra is a consummation always to be aimed at. I hope I have been able to convince you, gentlemen, of the importance of dealing with the question thoroughly and most effectively. Now I appeal to you all for the acceptance of my resolution.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): Sir, the mover of this resolution has given an eloquent description of the nuisance caused to the inhabitants of Dinajpur by the bad state of this nullah, and he has quoted the opinion of certain sanitary authorities about the evil effect which it has on the public health there. Government will have to verify these reports, and if it is found that actually an improvement in the public health conditions is to be expected by re-excavating this stream, it will be considered whether a scheme of improvement is practicable and what is likely to be its cost. This is really a matter for an irrigation expert, and not for a Committee. But when a scheme has been prepared and the cost is known, at that stage it will be necessary to consult local opinion and to consider how the scheme can be carried out. At that stage the local authorities concerned will be consulted or a special Committee might be appointed, according to what seems best in the circumstances. A scheme like this can be carried out under the Bengal Agricultural Sanitary Improvement Act, and the first step under that Act is to approach the Collector and to ask him for a scheme. The Hon'ble Minister is, however, willing to accept the resolution so long as

it is not taken to mean that a Committee with the exact personnel mentioned in the resolution will be appointed forthwith, but if it is merely understood that he is quite willing to make enquiries, and, if necessary, to appoint a Committee.

12-45 p.m.

Maulvi KADER BAKSH: Sir, since 1914, several inquiries have been made, and the Hon'ble Minister knows that His Excellency the Governor desired that a scheme should be prepared so that Government might be in a position to finance it. Sir, the Irrigation Department in our part of the country is doing nothing to improve the condition of the rivers, etc. Sir, I believe that without a Committee, as I have proposed, Government would not be able to do anything whatever. So, Sir, it would be desirable to have such a Committee, and I insist on its formation consisting of the members suggested by me. To get together all the members I have named would be a very easy matter, and it will not in any way embarrass the Government. So Government should not on any account oppose the formation of this Committee. I am not at all convinced by the speech of Mr. Drummond; neither am I satisfied that Government would do anything without such a Committee, and without such a strong Committee as I have proposed. Sir, I have asked for a Committee of experts, so that their report may carry weight with Government.

The following motion was then put and agreed to:—

"This Council recommends to the Government that a Committee be formed consisting of the following gentlemen to inquire into the condition of the Ghagra stream which passes through the heart of the town of Dinajpur and to devise means as to how the evil created by the same may most effectively be dealt with:—

(1) the Director of Public Health, Bengal;
(2) the Executive Engineer, Rajshahi Division;
(3) the Chairman, Dinajpur District Board;
(4) the Chairman, Dinajpur Municipality;
(5) Babu Jatindra Mohan Sen, M.A., B.L., Vakil, Government Pleader, Dinajpur;
(6) the District Engineer, Dinajpur; and
(7) Maulvi Kader Baksh, M.L.C.,

he number of members necessary to form a quorum shall be four."

The following motion was not put as it was covered by the foregoing lecision of the Council:—

Maulvi SYED MUHAMMAD AFZAL, Babu JATINDRA NATH HAKRABURTTY, Maulvi LATAFAT HUSSAIN, and Maulvi IZIZUR RAHMAN: "This Council recommends to the Government hat the scale of pay of the Lower Division assistants of the Bengal

Secretariat be increased from Rs. 60—60—65—4—145—145—150 with a selection grade of Rs. 175—200 to Rs. 70—70—80—8—240—250 with a selection grade of Rs. 275—300.

System of irrigation.

Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that this Council recommends to the Government to form, at an early date, a Committee, consisting of official and non-official members of this Council, to examine the practicability of introducing the system of irrigation suggested by Sir William Wilcocks in his lecture delivered at the British Indian Association on the 6th March, 1928, and of modifying the irrigation policy of the Government according to those suggestions.

Sir, this is a matter in which I think the whole of Bengal is interested. Sir, you presided over the meeting at the British Indian Association at which Sir William Wilcocks delivered his memorable speech. Sir William did not make out any new points. What he suggested has been before the public of Bengal and before the Government during the last half a century, since the days of the Malaria Commission. Sir, it is almost an admitted fact that the bad health of this province is largely due to the railway embankments and other systems which have disturbed the natural drainage of the country. Dr. Bentley in his famous book on Malaria and Agriculture in Bengal has also tried to prove that. In that book, at page 172, Dr. Bentley has pointed out the effect of the influence of the various factors concerned in the amelioration of malaria by bonification, and he has given us a complete scheme for removing this defect and improving the sanitation of the province. Sir, it is not a new scheme which we are advised to undertake. Sir William Wilcocks has said that it has succeeded in Egypt, so there is no reason why it will not succeed in Bengal. In fact, the Government of Bengal have undertaken four schemes of this nature, and they have proved more or less successful. Sir William Wilcocks has criticised the irrigation policy of the Government at length, and he has pointed out specific instances of water-logged areas on account of these embankments, and he has suggested that if you want to remove the unhealthiness of this province and at the same time increase the fertility of the soil, you must allow the flood water to come in freely. Sir, I do not think there is any disagreement so far as this proposition is concerned, and I hope the Government will not dispute this theory. What I suggest is this: That there should be a Committee of officials and non-officials to examine the suggestions made by Sir William Wilcocks. I know, Sir, there is a good deal of antipathy towards these suggestions in some quarters; and there is no expert in this Council who can really go into this question and help us with advice. Sir, I shall be glad to know if Government have any

suggestions to make, and whether they are willing to investigate into this matter. If they can give us an assurance that they will take up this matter in right earnest, I shall not press my resolution.

Rai HARENDRANATH CHAUDHURI: Sir, I beg to support this resolution with all the emphasis I can command. Sir William Wilcock's speeches in this country have been an eye-opener to all of us. He has seriously questioned the present policy of the Irrigation Department, and has also doubted the utility and value of some of the schemes already under execution. The sooner, therefore, such a Committee is appointed, the better, not only for the people of the country, but also for the Government of the land, because further expenditure on foolish schemes may be avoided. I, therefore, Sir, insist that this resolution should be seriously taken into consideration by Government and should be accepted by them.

Mr. P. N. GUHA: Sir, I whole-heartedly support this resolution, and I do not think it will be irrelevant in this connection to speak something about the irrigation policy of the Government of Bengal. Those of us who have taken any interest in the condition of the health and waterways of Bengal are fully aware that the Irrigation Department of the Government of Bengal, headed by some one who has been described as a "deltaic expert," has been committing blunder after blunder. Sir, the policy of the Government of Bengal has always been to neglect the dying rivers and to go on with schemes which are of doubtful utility. It may be remembered that it was the ambition of the late Lord Carmichael to do something for the waterways of Bengal. His lordship, when he was Governor here, tried his level best to improve the waterways of this province. Our part of the country—I mean Eastern Bengal—was formerly known as "the river districts of Bengal," but anyone who may now care to go to that side will find that in many places the rivers and small channels have been silted up. This is the state of things practically from the mouth of the Ganges right up to Mymensingh. Everywhere the flow of the rivers is being hampered. It was only the other day that in answer to a question of my friend Mr. Saral Kumar Dutt, the Hon'ble Member in charge of the Irrigation Department said that he was aware that some channels in the district of Barisal were being silted up, but that the Government was of opinion that dredging would do no good. Sir, the other day we extracted a confession from the Hon'ble Member to the effect that Government was again considering the question of taking up the Grand Trunk Canal Scheme. Sir, you are fully aware that this Council deliberately refused to have anything to do with the Grand Trunk Canal, and I am surprised that the Government of Bengal should have approached the Government of India at the back of the legislature to reconsider the whole thing. Sir, in my humble opinion the health of the public would have been considerably improved, if

the Government instead of chasing after such useless schemes had acted up to the advice of Sir William Wilcocks and took up the duties of dredging the existing rivers for the purpose of maintaining the flow of their waters. The waterways problem is probably the most urgent problem of Bengal at the present moment. It is ruining everybody. Sir William Wilcock's lecture at the British Indian Association and the announcements he made in other places have opened our eyes, but I do not know if they have opened the eyes of the Irrigation Department of our Government. At least I am not hopeful that Government would do anything till we get rid of our deltaic expert. I hope the Hon'ble Member, who is our countryman and who is himself a zemindar, and whose interests are also affected by the silting up of the rivers, will seriously take this matter into consideration and see that a committee, as proposed by Mr. Bijoy Prasad Singha Roy is immediately appointed to examine the recommendations of Sir William Wilcocks.

Dr. KUMUD SANKAR RAY: Sir, representing as I do a district whose prosperity is connected with the preservation of rivers, I do not think I shall be justified in casting a silent vote in support of my gallant friend, Mr. Bijoy Prasad Singh Roy. Sir, while speaking on this resolution, I should like to mention what I think of the policy which has been carried on so far by the Irrigation Department of the Government of Bengal. Sir, the policy it has been pursuing so long is of a tinkering nature. They have been trying so long to dredge a small canal here and a small canal there, without considering the requirements of the rivers of the province as a whole. Sir, so far as I am aware, there never has been any attempt at making a systematic survey of the river systems of Bengal. I do not understand how, without a comprehensive and proper survey of the rivers of this province and of the courses they are likely to follow in the near future, any useful purpose will be served by the tinkering policy which they have been following for years.

Sir, I should like to mention one or two facts: Perhaps it will not be superfluous on my part to mention the fact that everyone is dissatisfied with the results of the activities of the Irrigation Department, which are very meagre. During the last five years that I have been a member of this House, I have been trying to get information from Government regarding the Chandana river in the district of Faridpur, and after a good deal of unsuccessful effort on my part, the Government only a few months ago told me that an inquiry was being made regarding the silting up of this river. What I wanted to know was what the result of the inquiry was. And I was told that the report was being considered by the local officers. The Government have taken 5 years to start an inquiry, and I do not know how many years they will take for considering and publishing the report. Probably after the

report is obtained, it will be pigeonholed and shelved, as has been done in many other cases in the past. The river Chandana was once a very flowing river, and there were prosperous villages full of life, and trade, and commerce, along its banks. You will find this mentioned in the "District Gazetteer." And you will also find that the populations of the subdivisions along the river had been decreasing by nearly 500 a year.

1 p.m.

In these circumstances, we cannot but expect that the villages of Bengal would be depopulated and deserted in the near future. Sir, the silting up of rivers is doing mischief in various ways. It has caused drought of drinking water, and not only that it has increased malaria, so that you cannot remain in a village without being attacked by malaria and also cholera which is intimately connected with the problem of drinking water. Without a proper solution of the irrigation problem of this province, we will never get at a solution of the health problem and eradicate malaria and other waterborne diseases, like cholera, from this province.

The resolution moved by my friend, Mr. Bijoy Prasad Singh Roy, is not too early; it should have been moved long ago. Had it not been for the fact that although on previous occasions the time allotted for non-official resolutions was only one day, and I do not know for what reason, excepting for the fact that the Simon Commission is going to come here, that we have been fortunate in getting more than one non-official day to discuss non-official resolutions, we would not have got an opportunity to discuss this important resolution. Previous to this, many important resolutions regarding the dredging and opening up of rivers were tabled, but owing to the insufficient time allotted for non-official resolutions, they could not be discussed. Sir, not more than two or three non-official resolutions could be taken up during the last five years that I have been a member of this House. It is a good change that we find that you have allotted four days for these matters, and I hope, Sir, this policy will continue, and more time will be allotted for non-official matters. I also hope that the Government benches would be full when non-official matters are being discussed. The experience of yesterday makes it incumbent on us to come to only one conclusion, that in non-official matters Government pay scant courtesy to this House. They do not attend to our debates, or listen to our grievances, or even to our suggestions, and have probably made up their minds not to take any notice of it even if the resolution is carried. I hope, Sir, that with the change that you have introduced in this House in the matter of allotting more days for non-official business you will urge the Government members to be at least present here when we are giving expression to our grievances and suggestions. With these words, Sir, I support the resolution.

Mr. K. C. RAY CHAUDHURI: I move, by way of amendment to the motion of Mr. Bijoy Prasad Singh Roy—

(*i*) that in lines 3 and 4 the words "the practicability of introducing" be omitted;

(*ii*) that in line 6 for the word "modifying," the word "shaping" be substituted; and

(*iii*) that in the last line for the words "according to those suggestions," the words "based on the past experience of the Irrigation Engineers of Bengal" be substituted.

All that I have to say in support of my amendment is this: Sir Williams Wilcocks had his experience in Egypt, and we do not know if that will be of any use to us in Bengal; but Sir, as his suggestions are based on valuable experience, this Government will be well advised to examine them with reference to the condition of Bengal. As the system appropriate to Egypt may not exactly apply to Bengal which may be peculiar to it, I have used the words "based on past experience," and I hope this will be agreed to.

Khan Bahadur Maulvi AZIZUL HAQUE: My only apology for speaking a few words in support of this motion is that this House, as well the country outside, believe that the Irrigation Department has not justified its existence in years past, and I am amazed to hear that an attempt is going to be made again to revive the Grand Trunk Canal Project. If the Irrigation Department has anything to do with it, I think it were far better if the Irrigation Department would cease to exist, rather than that the scheme be brought up again. I cannot conceive of a greater constitutional farce than the revival of this Grand Trunk Canal Project. This House more than once has expressed its deliberate and emphatic opinion—this House consisting of the elected members as well as the nominated members have joined hands in agreeing—that this project is one which should be dropped and abandoned altogether, and I believe that at one stage it was definitely abandoned. But, Sir, a sparrow whispers in our ears that an attempt is again going to be made to revive the scheme. I think if the Engineers of the Irrigation Department did not run after this wild goose chase, but looked after the water-ways of Bengal, much better would come of their activities. I consider this resolution is of momentous importance, and I congratulate Mr. Bijoy Prasad Singh Roy for having given us an opportunity of giving our views on a question of this nature. Sir, my friend the mover has used the word "irrigation policy," but for the last few years I have been trying to understand what this policy is, but I have not yet been able to understand it. It seems to be simply a policy of expending money on projects which do not benefit the waterways of Bengal, but benefit the navigation companies. I think Sir, if the department should have any

activity, it should be to look after and improve the waterways of Bengal. While dealing with the water-hyacinth problem in this Council, we had an example of the confusion of departments, that is, that the water-hyacinth problem is not the concern of the Irrigation Department, and with all my efforts I have not been able to understand as to why this should not come under the purview of the Irrigation Department.

This resolution wants that Sir William Wilcocks' scheme should be considered. I have not yet been able to understand why, in spite of the greatest condemnation by Sir William Wilcocks of the present irrigation policy of Government, Government have not thought fit to appoint a Committee to examine the whole question. I do not mean to say that Sir William Wilcocks is right and that his is the last word on the subject, or that his policy is exactly applicable to this province. But what I mean to say is, that he is admittedly one of the greatest River Engineers in this world. He came to this country and, having seen things, expressed in the most scathing terms his condemnation of the irrigation policy of Government, but Government is not alive to the necessity of reviewing their policy, and do not pay any heed to it. Sir, that is the reason why the people are going over to the Swarajist views. Had the constitution of our country been one in which the executive were responsible to the wishes of the people, we should not have had a Irrigation Department that did not look to the waterways of Bengal. Therefore, I strongly support the resolution that a Committee should be appointed to consider the irrigation policy of Government. Sir, only the other day a very simple event had almost upset the whole administrative machinery in England, and in expensive Enquiry Committee had to be appointed to go into it. But, here, in spite of the strongest condemnation of their policy in the most scathing terms by an expert, Government are doing nothing and are sitting tight. Mr. Addams-Williams is obsessed with the idea that he is the greatest Engineer in the world, but, Sir, if the votes of the people of Bengal were taken, he would have to leave Bengal. I personally believe that Mr. Addams-Williams has only pet schemes of his, and they are standing in the way of a better irrigation policy of Government, and he is trying to revive them whenever he gets an opportunity.

With these words, I support the resolution.

Srijut BEJAY KUMAR CHATTERJEE: I give my whole-hearted support to the resolution. In this connection, I beg to express my deep disappointment at the attitude taken by Government in not having taken up the irrigation problem of the province properly. Government have neglected their duty and are not giving the people what they want. The people of this country have expressed their views on this subject through this Council, through newspapers and through

local bodies. But Government is sitting idle, and the department is not doing its duties. I hope, Sir, that the time has come when Government should try to improve the irrigation system of this country, and thereby save the people from ruin. The country is becoming depopulated and the people are not getting food; they are not being able to carry on trade and commerce.

Speaking of my district, Sir, I may say that for want of proper irrigation schemes, people are suffering from famine. Sir, famine has almost become the constant companion of my district. I hope, Sir, that when His Excellency the Governor has visited my district and has taken particular interest in the irrigation schemes of the district, a proper system of irrigation will soon be started by the Government in order to save the people from ruin.

Srijut JOGENDRA NATH MOITRA: Sir, it is with great pleasure and emphasis that I accord my hearty support to the resolution moved by my gallant friend Mr. Bijoy Prasad Singh Roy.

Sir, Bengal was once a very flourishing country with rich rivers and abundant harvest. But, alas, we find it quite the opposite now-a-days. The reason of such change of conditions has been ably pointed out by Sir William Wilcocks who, backed by his experience of the irrigation of the Nile area, spoke with emphasis and authority. He has with reasons, pointed out that it was through the neglect and inefficiency of the Irrigation Department of the Government of Bengal that our country has come to be almost barren and unproductive, with waterways silted up. The almost annual disaster in this country by the excess of flood in some places, or want of sufficient water in others, can be accounted for this reason. The once flourishing rivers bearing rich red water in our country, which mainly contributed to our health, wealth and other facilities, have run dry, and in many cases gone shallow on account of silt deposits. The fertility of the soil has been impaired and agriculture has suffered. Sir, the Government is spending a large sum of money in maintaining this highly salaried department. But they could not so long give us the benefit of their experience, although they are spending huge amounts after various schemes, the utility of which has been doubted by all the sane people. Sir William Wilcocks has, therefore, our hearty thanks for opening our eyes to this vital matter and for exposing the worthlessness of the Irrigation Department, who had not the courage to meet the charges levelled against them by Sir William. Therefore, it is high time that the Government of Bengal should take effective measures to tackle the situation on the lines suggested by Sir William.

Maharaj Kumar SRIS CHANDRA NANDY: I rise to support the resolution moved by my friend Mr. Bijoy Prasad Singh Roy. I asked a question whether Government would let me know as to what they intended to do with regard to the irrigation policy outlined by Sir

William Wilcocks for Bengal, but I have not got any reply yet. Sir, the Irrigation Department of the Government of Bengal cannot be accused of overactivity. I have been pressing for some time to devise ways and means to keep the Bhagirathi flowing throughout the year. It is well known, Sir, that the Bhagirathi is a very important river and feeds a number of districts. But nothing has so far been done, except taking advice of experts on the subject. Sir, simply taking expert opinion would not solve the problem, unless the Government seriously intends to act up to it.

1-15 p.m.

Babu AKHIL CHANDRA DATTA: I have great pleasure in supporting this motion, and, in doing so, I shall refer to the grievances of my district, Tippera, against the Irrigation Department. There are many rivers in my district which have dried up, notably the river Teesta between Akhaura and Brahmanbaria, resulting in the difficulty of communication and loss of crops over a large tract of the country. The matter was brought to the notice of Government on various occasions, but up till now no step has been taken. With these words, I support this motion.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Sir William Wilcocks came to Bengal towards the end of January, and his lecture embodies suggestions which are the fruit of five weeks' study of some of the most complicated problems in river training in the world. Sir William's opinion on irrigation matters is entitled to respect, but it would betray a lack of proportion to consider his hastily formed impressions as anything more than mere suggestions. Sir William has not seen the Ganges in flood; he lightly proposes to put a dam across the Ganges at a cost of sixteen crores of rupees without having seen, much less studied, the river in flood.

The lack of opportunity to study local conditions has betrayed Sir William into making several recommendations which will not bear close examination.

Government agree that it is desirable to keep open the Bhaghirathi, Mathabhanga and other rivers of Central Bengal. The problem of these rivers is constantly before the department. Sir William recommends that they be excavated and provided with headworks to keep their mouths open. He admits that the level of the Ganges at the head of the delta is lower than the beds of these rivers. We know from surveys that the slope of these rivers is almost imperceptible, as little as two or three inches in a mile. The current is not strong enough to carry silt which is deposited in their beds and chokes them. Sir William talks of properly protecting the upstream side of the offtakes, such as the Bhagirathi, so as to prevent sand entering the river from the eroded bank above. But when the offtake is never in the same place two years in succession, it is not understood how this protection is to be

effective. The Ganges has been known to absorb a width of 2,000 feet of its bank in two months, and it meanders over a width of some 10 or 12 miles. No local protection would, therefore, be of use as a training work, as it would either be out-flanked or covered up by sand. Last year, the Bhairab head moved 15 miles downstream, and at this point in 1925, 1,900 feet of the right bank of the Ganges was absorbed in the river.

He recommends training the river Ganges and protecting the whole of its banks, and suggests the use of a few kilns of bricks and stone pitching. He is apparently unaware that the Ganges scours to a depth of 120 feet. His protection would go in a few minutes if attacked.

To protect the banks from erosion is a financial impossibility. The protection of the banks at the Hardinge Bridge cost about Rs. 20 lakhs a mile for stone alone.

A barrage across the Ganges is not an impossibility. It is, however, a vast undertaking.

It would take an expert staff about five years to go into the project thoroughly. The cost of the staff would be about Rs. 5 lakhs a year.

The whole question is a matter for experts, and it would be a waste of time for a Committee of this Council to consider this project in its present shape.

In any case, a project which will cost at least Rs. 16 crores is a mere dream and outside the realm of practical politics in the present state of the provincial finances.

It is quite probable, however, that a barrage across the Ganges to raise the level of the river at the offtakes of the Bhagirathi, Jalangi and other rivers is the only complete solution to the problem of keeping the Central Bengal rivers open.

Another suggestion of Sir William Wilcocks refers to embankments. He refers to them as satanic chains. We know that many of the embankments were mistakes. They are a legacy, and we have got to make the best of them. It was a mistake to strengthen the Damodar Left Embankment about the middle of last century, but it cannot now be seriously suggested that we should cut down this embankment and let loose the flood on an unprepared tract of country.

Quite recently this embankment has been threatened, and the local officers of all departments, aided by the Burdwan Raj, are still straining every nerve to save the embankment.

Sir William talks of the claims to flood and October water of the people on the left bank of the Damodar from near Burdwan southwards. The last thing they want is to be exposed to the Damodar floods. The statement that they could have October water from the Damodar without a weir is inaccurate. Even if the embankment were removed, they would get no water from the Damodar in October unless a weir is constructed.

Sir William Wilcocks has not doubt a profound knowledge of Egyptian conditions, but he ought not to be taken as an authority on Bengal problems which he has not had time to study. It would be a mistake for the Council to take his suggestions too seriously.

If, however, we eliminate from the lecture of Sir William Wilcocks the mistakes which are due to lack of knowledge of conditions in Bengal, we get certain ideas or suggestions which are of value.

They are, however, not new to this department. I refer more especially to the value of silt laden water both from an agricultural and public health point of view, the evils caused by embankments, and the desirability of keeping open the Central Bengal Rivers.

The present policy of the department has these ideas constantly in view.

I, therefore, think that a Committee for the purpose indicated in the resolution is unnecessary, and Government must oppose the resolution. There is, however, another way in which the wishes of the mover and his friends might be met. The mover is a member of the Standing Committee on Irrigation. I undertake to place the policy of the department with reference to Sir William Wilcocks' suggestions before the Standing Committee and to satisfy them that we are doing all that is possible.

Perhaps with this assurance the mover will withdraw his resolution.

Rai HARENDRANATH CHAUDHURI: May I put a few questions, Sir? Is it a fact or not that when Sir William Wilcocks was here in India, Government Engineers were invited to find out if there were any mistakes in the statement made by him; and, if so, why was not a challenge made at the time?

My second question is whether a copy of the Hon'ble Member's speech would be sent to Sir William Wilcocks.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Mr. Addams-Williams saw Sir William Wilcocks on several occasions when he was here, and pointed out the mistakes in his hasty conclusions.

Mr. BIJOY PRASAD SINGH ROY: There are Committees to solve and Committees to shelve questions. I hope the Irrigation Committee will not be one to shelve this question, because it is a subject in which not only this House, but the whole of Bengal is vitally interested. But in view of the assurance given by the Hon'ble Member that he will place the whole irrigation policy of Government before that Committee, I do not desire to press my resolution. But at the same time I reserve my right to renew it, if I am not satisfied.

The motion that leave be granted to withdraw the resolution standing in the name of Mr. Bijoy Prasad Singh Roy was put and a division taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Ismaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali.
Deppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Ghose, Mr. M. C.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharraf, Khan Bahadur.
Hussain, Maulvi Latafat.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nelson, Mr. W. H.
Rahman, Mr. A. F. M. Abdur.
Reid, Mr. R. N.
Roy, Mr. Bijay Prasad Singh.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.

NOES.

Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Khershed Alam.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Huq, Khan Bahadur Maulvi Ekramul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Nandy, Maharaj Kumar Sris Chandra.
Naskar, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Solaiman, Maulvi Muhammad.

The Ayes being 21 and the Noes 29, the motion was lost.

The following amendment of Mr. K. C. Ray Chaudhuri was then put and lost:—

"(*i*) that in lines 3 and 4 of the resolution the words 'the practicability of introducing' be omitted;

(*ii*) that in line 6, for the word 'modifying,' the word 'shaping' be substituted; and

(*iii*) that in the last line for the words 'according to those suggestions,' the words 'based on the past experience of the Irrigation Engineers of Bengal'; be substituted."

The following resolution was then put and agreed to:—

"This Council recommends to the Government to form at an early date a Committee, consisting of official and non-official members of this Council, to examine the practicability of introducing the system of irrigation suggested by Sir William Wilcocks in his lecture delivered at the British Indian Association on 6th March, 1928, and of modifying the irrigation policy of the Government according to those suggestions.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 13th August, 1928, at the Town Hall, Calcutta.

B. G. Press—5-8-1928—1472B—1,200—G. J. S. and others.

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